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Letter dated 10 October 2014 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 28 of Security Council resolution 2111 (2013), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Oh Joon
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Letter dated 19 September 2014 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report focusing on Somalia of the Monitoring Group on Somalia and Eritrea, in accordance with paragraph 28 of Security Council resolution 2111 (2013).

(*Signed*) Jarat **Chopra**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Nicholas **Argeros**
Finance expert

(*Signed*) Zeina **Awad**
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(*Signed*) Déirdre **Clancy**
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(*Signed*) Joakim **Gundel**
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(*Signed*) Jörg **Roofthooft**
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Armed groups expert

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia

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* The annexes are being circulated in the language of submission only and are being issued without formal editing.

** The annex has not been reproduced in the present document because it is strictly confidential.

Summary

Following the end of the transition in Somalia in the middle of 2012, the election of Hassan Sheikh Mohamud as President and the establishment of the Federal Government of Somalia presented an opportunity for another kind of leadership and basis for engagement by Member States. The new configuration has received the greatest international political and financial commitment in two decades, since the withdrawal of United Nations forces in 1995. As previously noted by the Monitoring Group, however, a genuine end of transition necessitated a change, both in individual leadership and in the system of government that had previously undermined the State-building enterprise through misappropriation of public goods and security sector fiefdoms. While control over financial flows and security institutions was previously divided between several principal power holders, the new President inherited a system in which he controlled neither, leading to the development of coping mechanisms to obtain external funds and arrange security relations inside and outside of the Government.

A year after the Group's previous report (S/2013/413), international investment at the political level and some reform efforts have not altered the underlying dynamics of the government system, which are largely a continuation of earlier transitional arrangements, in terms of both a lack of transparency of and accountability for public resources and clan-based interests dominating security forces and logistics. Meanwhile, the deepening reliance on financial and security coping mechanisms, partly owing to vested interests and partly for political survival, has produced lines of control parallel to the formal institutions of government with which the international community is engaging. Consequently, the decline of popular support for the current political configuration to the levels from before the end of the transition, and increasing clan-based instability in the capital and elsewhere, threaten to undermine the Federal Government, the prospects of reinforcing State institutions and the peace and security of Somalia.

Notwithstanding continual increases in troop strength and financial support for the African Union Mission in Somalia (AMISOM), tangible gains of the continuing offensive (Operation Eagle) and international assistance to the Somali security sector, accompanied by the easing of the arms embargo, Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the principal threat to peace and security in Somalia and throughout the Horn of Africa. In the past, the growth of Al-Shabaab was either due to or measured against the weakness of the central Government and its security forces. While it has not been able to retain its military strength and posture of 2009-2010, however, Al-Shabaab has evolved in qualitative terms, possibly owing to several factors, including the violent but pragmatic purge of its dissenting senior ranks in 2013, the ability of Mukhtar Ali al-Zubayr (Ahmed Godane) before his death to consolidate his authority without any evident challenge and the resulting dominance of the more extremist cadre of the group, which has drawn on support from its affiliates in East Africa. Consequently, Al-Shabaab has managed to maintain an effective and violent footprint in Mogadishu and demonstrated its operational reach beyond the capital by adopting an apparent economy of effort strategy. It has generated fatal attacks throughout southern and central Somalia, while inspiring and coordinating attacks against the country's neighbours.

Indeed, not since the prominence in the Horn of Africa of the former Al-Qaida in East Africa has the region been besieged by a more determined, prolific and effective Al-Qaida-affiliated group as Al-Shabaab. The sustained counter-terrorism pressure and successful overcoming of internal divisions have forced the Al-Shabaab core to become more operationally audacious by placing greater emphasis on exporting its violence beyond the borders of Somalia. Conversely, in the past year, Al-Shabaab's overt regional strategy has relied increasingly on its entrenched support base of Amniyat-like operatives. By the end of 2013, its regional strategy had become apparent: a resurgent extremist group sufficiently assertive to fully align itself with and pursue strategies adapted to transnational Al-Qaida operations, evident in its ability to conduct "complex and spectacular" large-scale attacks, such as that on the Westgate shopping mall in Kenya, representing an evolution of operational tradecraft.

At the local level in Somalia, idiosyncratic factors combine in various locations to constitute broader threats to peace and security. In the Sool region of north-eastern Somaliland, for example, Somaliland forces have clashed with Puntland forces and militias loyal to Khatumo, a political organization based in the Dhulbahante clan that is pursuing the creation of a regional state within Somalia and separation from Somaliland. The region is particularly prone to conflict, given the competing claims by Somaliland, Puntland and Khatumo over oil-rich territory there and political infighting among the Dhulbahante, who are divided in loyalty between Puntland, Khatumo and Somaliland. This state of affairs has led to the militarization of the area, in particular since November 2013, and links in some cases to Al-Shabaab and in others to the Federal Government. In addition, clan-based political violence broke out and sharply escalated from 2013 to the present in Lower Shabelle and Middle Shabelle. The fighting has involved clan militias of the Biyamal (Dir) and Habar Gedir (Hawiye) in Lower Shabelle and the Abgaal (Hawiye) and Shiidle (Bantu/Jareer) in Middle Shabelle and led to attacks on civilian settlements amounting to gross violations of human rights and, in some cases, international humanitarian law. The complexity of the situation entails a combination of the alleged role of senior army officers and soldiers in the violence, leakages of arms to clan-based militias, use of misappropriated resources to fuel the conflict, business interests in capturing land and other resources and political agendas seeking to influence the federal state-formation process. The conflict risks spilling over to other regions and complicates the continuing campaign against Al-Shabaab.

Somali piracy remains at a low point. While piracy may be largely contained, however, many of its underlying causes continue to exist and it remains a threat to peace, security and stability. Given the persistence of piracy networks and their business patterns, pirate operations can easily resume, even on a large scale, if circumstances at sea again become favourable. In addition, unlike those pirates who have been arrested and prosecuted worldwide, most of the principal organizers, financiers and facilitators of this transnational organized crime have gone undisturbed and unpunished. Consequently, pirates are currently benefitting from an environment of impunity that allows them to invest in new forms of business, both legal and illegal, launder their proceeds and gain further profit. Investigations into the finances of pirates and former pirates have revealed large sums of money circulating inside and outside Somalia, financial dealings with Somali politicians, money-laundering overseas and various bank accounts of pirate leaders, financiers and facilitators held in Somalia and elsewhere, several holding close to $1 million.

A change in political circumstance with the establishment of the Federal Government in 2012 notwithstanding, underlying corruption as a system of governance has not yet fundamentally changed and, in some cases, arguably has worsened. In its investigations, the Monitoring Group has consistently found patterns of misappropriation with diversion rates of between 70 and 80 per cent. The indications are that diverted funds are used for partisan agendas that constitute threats to peace and security. Significant steps have been taken to reform the financial management architecture in the Federal Government and need to broaden in scope and deepen in effect with international assistance. As yet, the reality of financial flows in the Government has not been altered or transformed from the earlier transitional period, in particular in terms of accountability and transparency. Notably, the phenomenon of "secret contracting" has become a way of doing business for the Federal Government since at least mid-2013 and creates the opportunity for misappropriation. Contracts regarding national public assets affecting the public interest have been signed by government officials but kept highly confidential — from the Somali population, the parliament and, until now, international donors. Abuse of the legitimacy of the Federal Government to enter into contracts that operate in the same way as private contracts outside the institutions of government has effectively created a parallel system of finances beyond and much greater than the realm of public financial management.

Meanwhile, the past year has not entailed ideal conditions for fundamental reform of the Central Bank, with successive changes of the Governor. Following its previous report (S/2013/413), in which it described the system of *fadlan* payments from the Bank to private individuals or to public officials for private purposes, the Monitoring Group reviewed the accounts of the Bank and found that the rate of such withdrawals remained largely between 70 and 75 per cent. The intentions of the current Governor to reduce the scale of the *fadlan* system notwithstanding, he has found that expenditure is outside his control. Funds are not withdrawn from the Bank against line items in the national budget, meaning that the Governor does not know the actual purpose of the withdrawals. Nevertheless, he has introduced a system of payment vouchers to better reconcile the accounts of the Bank with the Office of the Accountant General. At Mogadishu port, large container vessels began regular shipping to and from the port in mid-2013. They are less subject than smaller vessels to weather patterns, meaning that the regularity of large-scale shipping has increased revenue at the port and the income generated has become more consistent on a monthly basis. Consequently, by the latter half of 2013, the average monthly revenue at the port had increased to in excess of $5.5 million in customs duties alone, not including port fees and additional charges on tax-exempt imports. The average monthly deposit in the Bank from the port since mid-2013 has totalled $4.6 million, however. At present, the Group estimates that at least 30 to 35 per cent of monthly port revenue cannot be accounted for, which is largely a continuation of the previous year's rate of diversion.

With the creation by the Security Council of an exemption to the arms embargo for the Federal Government, the Federal Government in turn incurred a corresponding set of obligations in terms of notifying the Committee of deliveries for the security sector and reporting to the Council on the structure of the government security forces and on weapons management. While the reports of the Federal Government to the Council are still not comprehensive and do not strictly fulfil the requirements of relevant resolutions, they nevertheless reflect improvement over time. Since the introduction of the exemption, the number of various types of arms that have been delivered or are expected to be delivered to the Federal Government pursuant to formal notifications to the Committee now exceeds 13,000, with some 5.5 million rounds of different types of ammunition. Some of the weapons and ammunition have been diverted to arms markets in Mogadishu. Overall, given the anomalies, inaccuracies or lack of notifications to the Committee, the Federal Government has not imported weapons into Somalia in full compliance with its obligations. In addition, the Monitoring Group has identified other violations of the arms embargo, including the diversion of weapons to arms networks connected to the Federal Government, arms deliveries to Puntland, the delivery of detonator cords to north-eastern Somalia and the delivery of military-type vehicles to Jubaland. The Group also remains concerned about compliance by Somaliland with Council resolutions in its plans to establish an oil protection unit.

Humanitarian access in many parts of Somalia remained fragile. Although physical access became possible throughout a larger territory, with the United Nations and non-governmental organizations establishing a presence in new locations, the quality and sustainability of that access degraded in many places owing to a combination of intensified conflict, increased displacement and deteriorating security, in particular exacerbated by the joint national army and AMISOM offensive against Al-Shabaab. In urban centres "recovered" as a result of the offensive, government control continued to be limited to a confined area, with supply lines greatly vulnerable to attack, including as Al-Shabaab violently besieged recovered towns. The provision of assistance to rural areas remained particularly difficult.

While the total amount of humanitarian assistance available for distribution in Somalia has declined, the announcement of the "New Deal" in late 2013 spurred efforts to create and control new sites for resource capture and had a knock-on effect on the humanitarian context. Enhanced investigations into humanitarian diversion and its impact, including by the Monitoring Group, compelled United Nations entities, non-governmental organizations and donors to increase their due diligence and monitoring and develop new risk management tools. However, the realities of uneven quality of access, continuing insecurity and fluidity of authority, coupled with persistent remote management practices, saw continued diversion of humanitarian assistance by State actors (including the security forces) non-State armed actors (including Al-Shabaab), staff of humanitarian agencies, private contractors and criminal entities.

Growing insecurity and new cycles of conflict created an environment within which violations of applicable international law involving the targeting of civilians, in addition to violations of the prohibition on gender-based violence, recruitment and use of children and forced displacement, were committed throughout the country, but in particular in southern and central Somalia. Those responsible included members of all parties to the conflicts, including Al-Shabaab and its affiliates, AMISOM and its strategic partners, the national armed forces, the security forces of regional administrations and their allies, armed actors associated with the various regional, subregional and local administrations and clan militias. Minority communities and vulnerable groups, such as internally displaced persons, children, young men and women and girls, were more likely to be exposed to violations.

To date, the scale of the international trade in Somali charcoal is largely consistent with the period 2012-2013. The transnational business architecture for the trade remains in place and continues to adapt to ensure large-scale profit. The supply chain entails a complex picture of collusion and collaboration by traders, transporters, brokers, wholesalers and individuals involved in manufacturing false paperwork in order to facilitate systematic violations of the ban on Somali charcoal. On the basis of shipments documented and estimates of additional shipments, upwards of 1 million bags of charcoal have been exported each month from Kismayo, in addition to those exported from Al-Shabaab-controlled Barawe and other smaller ports. The overall international market value of the charcoal exported in 2013 and 2014 can be estimated to be in excess of $250 million, but could be much more given that the Monitoring Group may not have identified all shipments. Meanwhile, Al-Shabaab continues to benefit from the revenue generated, on a scale greater than when it controlled Kismayo, at charcoal production sites, from checkpoints along trucking routes and from exports, in particular at Kismayo and Barawe, all of which to date have been uninterrupted by the military offensive against the group.

The Monitoring Group continues to be confronted with efforts to obstruct its work, especially by means of targeting either the investigations or the credibility and reputation of individual members of the Group. In particular, the Government of Kenya prevented one of the Group's experts from remaining at his duty station, while vested interests in the name of the Federal Government sought to undermine individual members and prevent the Group as a whole from fulfilling its mandate. In addition, under the current precarious conditions, the spoilers identified by the Group threaten to undermine legitimate authority in the country and international assistance efforts. To better secure the gains made to date, the Group believes that such individuals violating relevant Security Council resolutions should be designated for targeted measures with the least possible delay. To this end, it proposes several new additions to the sanctions list established in accordance with Security Council resolution 1844 (2008).

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 27 of Security Council resolution 2111 (2013), adopted on 24 July 2013, and paragraph 13 of resolution 2060 (2012). Additional tasks were assigned to the Group under resolutions 2093 (2013) and 2142 (2014).

2. Pursuant to paragraph 27 of resolution 2111 (2013) and paragraph 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with a midterm briefing on 27 March 2014. The Group also submitted monthly progress reports to the Committee throughout its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Australia, Bahrain, Belgium, Cyprus, Djibouti, Egypt, Ethiopia, France, Germany, India, Italy, Kyrgyzstan, the Netherlands, Norway, Qatar, Saudi Arabia, Seychelles, Somalia, South Africa, South Sudan, Spain, Sweden, Turkey, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In Somalia, members of the Group were able to undertake regular visits to Mogadishu, Hargeysa and Garowe, but much of the south of the country remained inaccessible.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Jarat Chopra (Coordinator), Nicholas Argeros (finance), Zeina Awad (transport), Déirdre Clancy (humanitarian), Joakim Gundel (arms), Dinesh Mahtani (finance), Jörg Roofthooft (maritime) and Babatunde Taiwo (armed groups). The last-mentioned expert remained outside Kenya as from September 2013.

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Group reaffirmed its methodology pursuant to its previous reports (most recently, S/2013/413 and S/2013/440). The methodology used for the present report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals with direct knowledge or who know people with direct knowledge about details of violations. On some occasions, the Group was able to witness first-hand active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives of diplomatic missions, civil society organizations and aid agencies. Members of the Group met various government officials, including the President and ministers, and representatives of security agencies. The Group also met or communicated with officials from the Puntland and Somaliland Administrations, representatives of political and armed groups, defectors and members of business communities and Somali civil society.

8. In conformity with guidance provided by the Committee, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, necessitated the extensive use of annexes, preventing much of the substance from being translated. In addition, regulations exclude the insertion of maps, photographs and charts in the main report. The Group provided relevant material to the Committee on an ongoing basis throughout its mandate.

9. In accordance with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), the Monitoring Group has submitted to the Committee, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. Those annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia[1]

A. Harakaat al-Shabaab al-Mujaahidiin

Threat

10. Since the Monitoring Group's previous report (S/2013/413), Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the principal threat to peace and security in Somalia and throughout the Horn of Africa. Its inability to retain its

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[1] By paragraph 8 (a) of resolution 1844 (2008), the Security Council prohibited acts that threatened the peace, security or stability of Somalia. By paragraph 43 (a) of resolution 2093 (2013), the Council included among the prohibited acts those that threatened the peace and reconciliation process in Somalia or threatened the Federal Government or AMISOM by force. By paragraph 2 of resolution 2002 (2011), the Council expanded the scope of prohibited acts to include the misappropriation of public financial resources, which the Council reiterated in paragraph 2 (c) of resolution 2060 (2012). In addition, by paragraph 25 of resolution 2111 (2013), the Council reiterated its willingness to take action against individuals involved in the misappropriation of public resources.

military strength and posture of 2009-2010 notwithstanding,[2] its threat continues to reverberate, generating fatal attacks throughout southern and central Somalia while inspiring and coordinating attacks against neighbouring countries.[3]

11. Similarly, Al-Shabaab has continued to demonstrate its violent operational reach beyond Mogadishu, where it has enhanced its capacity by adopting an apparent economy of effort strategy.[4] The strategy has also involved Al-Shabaab maintaining an effective and violent footprint in the capital, its widely publicized withdrawal in August 2011 notwithstanding.

12. As in the past, its attacks have been calculated, coordinated and part of a strategic campaign involving a sustained asymmetrical conflict. Its tactics include improvised explosives (person-borne, vehicle-borne and radio-controlled), mortar shelling, grenade and hit-and-run attacks and frequent ambushes in "recovered" locations such as Baidoa, Beledweyne and Kismayo (see a map of Al-Shabaab's operational presence in Somalia in annex 1.1).[5] The attacks have targeted, among others, civilians, parliamentarians, African Union Mission in Somalia (AMISOM) forces, United Nations staff and government institutions, including repeated "spectacular" attacks against the presidential palace, a key target of Al-Shabaab operations in Mogadishu during the current mandate (see the section on improvised explosive devices and infiltration in annex 1.3).

13. Organizationally, while Al-Shabaab appears to have aligned itself closer to the Al-Qaida transnational agenda, devoting considerable operational efforts to attacks beyond the borders of Somalia, it has also repositioned itself to adopt a more tactically violent approach to its campaign within the country, as illustrated by its activities in locations such as Mogadishu. Three possible factors explain this shift.

14. First is the aftermath of Al-Shabaab's violent but equally pragmatic purge of its dissenting senior ranks in 2013 (see an image of "Arabey", one of the few surviving senior Al-Shabaab dissenters, in strictly confidential annex 1.2).[6] Second, the outcome of the purge suggested that Mukhtar Ali al-Zubayr (Ahmed Godane), before his demise in September 2014, had been able to consolidate his authority over Al-Shabaab without any outward display of discontent or challenge.[7] Third, the

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[2] From 2009 to 2010, Al-Shabaab was the most dominant actor in Somalia in terms of its territorial presence and military capacity.

[3] The Monitoring Group's assessment is that Al-Shabaab has demonstrated during the current mandate that it has now become a transnational threat. See the Horn of Africa case study in strictly confidential annex 2.

[4] The Monitoring Group believes that this is a significant demonstration of Al-Shabaab's organizational capacity.

[5] See BBC News, "Somali African Union Beledweyne base hit by bomb attack", 19 November 2013. Available from www.bbc.com/news/world-africa-24998892.

[6] This included the killing in 2013 of Sheikh Abu Bakr Zaylai (al-Afghani Ibrahim Mee'aad), Abu Hamid Hashi Olhayi (Sheikh Burhan) and Abu Mansoor Al-Amriki (Omar Hammami) and the reported detention of several other members. The Monitoring Group believes that the level of internal divisions in the lead-up to the summer of 2013 had become unsustainable and a direct challenge to the authority of Ahmed Godane. It also believes that, as far back as early 2013, decisions, at least among some of the internationalist-leaning cadre of Al-Shabaab, had been made to neutralize a number of senior dissenters.

[7] The Monitoring Group is unaware of any credible information suggesting that Ahmed Godane had been facing a significant challenge from within the senior ranks of Al-Shabaab. On 27 July 2014, however, unconfirmed media reports suggested that he might have survived an assassination attempt in Baraawe.

purge appears to have given dominance to the more extremist cadre of Al-Shabaab, particularly, drawing on support from affiliates,[8] including Al-Hijra, and other senior East African commanders based in Somalia.[9]

External pressure

15. Strategically, Al-Shabaab has demonstrated its flexibility, especially in southern Somalia. Consequently, the group has adjusted where necessary to address the fluidity of its operational environment. Likewise, external pressure, including periodic lethal action from Member States,[10] the AMISOM military surge and, to a degree, engagements by the armed forces, have all pressured Al-Shabaab into further adjusting its tactics and methods, albeit with varying outcomes.

16. The use and threat of lethal action such as intelligence-led air strikes conducted by Member States have deprived Al-Shabaab of senior commanders, notably Ibrahim Ali Abdi "Anta Anta" and Ahmed Abdulkadir "Sahal Iskudhuq",[11] and possibly contributed to the choreographed "public defection" of Sheikh Maxamed Sayid "Atom".[12] More symbolically, following a five-year, intelligence-driven operation by the United States in Somalia, Al-Shabaab's "Emir", Ahmed Godane, was killed in a drone strike on 1 September 2014.[13] The Monitoring Group's assessment is that strategic strikes have in general resulted in short-term gains, but significantly failed to diminish Al-Shabaab's operational capacity. There is no current evidence that they have the potential to "degrade and destroy" Al-Shabaab.[14] While the recent removal of Ahmed Godane from the battlefield represents a significant achievement for AMISOM and the Federal Government in their efforts to defeat Al-Shabaab, the departure of such an important figure does not mark the end of Al-Shabaab or its capabilities.

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[8] The Monitoring Group assesses that Ahmed Godane enjoyed the support not only of affiliates such as Somalia-based Al-Hijra fighters, but also a growing number of new recruits based in Mombasa, Kenya, and the United Republic of Tanzania.

[9] In March 2014, the new transnational-looking Al-Shabaab received a public sign of approval from the East African foreign fighters contingent. During an oath of allegiance in the form of a video message entitled "Mujahideen moments 3", an ascending senior Kenyan commander from Mombasa, Abu Salim al-Muhajir, can be seen reaffirming the commitment of East Africa to international jihad and to Ahmed Godane.

[10] Credible evidence continues to suggest that Member States, including Ethiopia, Kenya and the United States, have conducted lethal counter-terrorism operations inside Somalia against Al-Shabaab.

[11] See Bureau of Investigative Journalism, "Somalia: reported US covert actions 2001-2014", 22 February 2012. Available from www.thebureauinvestigates.com/2012/02/22/get-the-data-somalias-hidden-war/.

[12] On 7 June 2014, the Ministry of Information of Somalia announced that "Atom" had agreed to defect from Al-Shabaab (see https://madmimi.com/p/c40ee4?fe=1&pact=23142609746). The Monitoring Group notes that, following the takeover of Al-Shabaab North East by "Yasin Kilwe" in January 2012, "Atom" began to lose significance and had probably defected well in advance of his so-called "public defection" in 2014. In addition, credible but uncorroborated information strongly indicates that "Atom", in spite of the travel ban imposed upon him by the Security Council, may have been facilitated to travel internationally frequently.

[13] See a Department of Defense press release at www.defense.gov/Releases/Release.aspx?ReleaseID=16924.

[14] In addition, there is no credible evidence (politically or operationally) to date to suggest that either the Federal Government of Somalia or AMISOM has been able to strategically exploit such actions.

Potential implications of Ahmed Godane's death

On 6 September 2014, Al-Shabaab announced that it had appointed Ahmad Umar Abu Ubaidah as the group's new "Emir".[a] According to credible information,[b] he had served as a close adviser and member of the hard-line inner circle of the former "Emir".[c] The Monitoring Group is currently following events within Al-Shabaab to assess the medium-term to long-term implications of Ahmed Godane's death.

On the basis of current evidence, especially Al-Shabaab's operational evolution[d] and information received, the indications are that, in the short term, the death of Ahmed Godane is unlikely to alter the insecurity trajectories in and beyond Somalia significantly,[e] in particular the group's ability to carry out violence in Mogadishu.[f]

Early indications of Al-Shabaab's determination and potential future direction have been a series of operations since the death of Ahmed Godane. They have included an ambush against officials of the Federal Government in Caag Mareer (Hiraan region),[g] a vehicle-borne improvised explosive device attack targeting an AMISOM convoy in Afgoye[h] and the assassination of a senior National Intelligence and Security Agency official in Mogadishu.[i] Likewise, evidence strongly indicates that Al-Shabaab was in the final stages of carrying out an attack against Uganda following the disruption of an Al-Shabaab cell, during which a suicide vest and explosives were reportedly recovered.[j]

In terms of Al-Shabaab's cohesion, however, the Monitoring Group is aware of credible reports suggesting factional rivalries to the appointment of Ahmad Umar Abu Ubaidah. If accurate, the potential strains of emerging factions within Al-Shabaab are likely to become more visible and, potentially, afford an opportunity for the Federal Government to exploit, albeit not permanently paralyse, Al-Shabaab.[k]

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[a] This information was conveyed using Al-Shabaab's authorized Twitter account at https://twitter.com/s7bhijratain/status/50830184, which has since been disabled.

[b] E-mail correspondence with AMISOM security officials from 2 to 7 September 2014 and a briefing by a regional intelligence official on 8 September 2014.

[c] Credible information suggests that the new leader is known as "Ahmed Diriye" and "Mahad Umar Abdikarim".

[d] The Monitoring Group has used the operational timeline of June 2013 to July 2014 as part of its judgement of Al-Shabaab's operational evolution.

[e] As part of its assessment, the Monitoring Group has taken into consideration the fact that Ahmed Godane was unlikely to be involved in day-to-day operational decision-making and that the commanders with day-to-day operational responsibility continue to retain the freedom to implement the "Emir's intent" (a course of action and method for accomplishing and prosecuting violent jihad both in and beyond Somalia).

[f] Likewise, the Monitoring Group assesses that the death of Ahmed Godane will not affect the capability of Al-Shabaab to carry out regional attacks within the coming three to six months (including the ability of the Al-Shabaab core to instigate and incite regional affiliates).

[g] Confidential United Nations and non-governmental organization report dated 7 September 2014.

[h] Confidential United Nations and non-governmental organization report dated 8 September 2014.

[i] Reuters, "Somali Islamists kill national security officer; Al Shabaab claim responsibility", 13 September 2014. Available from www.hiiraan.com/news4/2014/Sept/56331/somali_islamists_kill_national_security_officer_al_shabaab_claim_responsibility.aspx#sthash.aFWBSga4.dpbs.

[j] See Risdel Kasasira and Albert Tumwine, "How al-Shabaab entered Uganda", *Daily Monitor*, 16 September 2014. Available from www.monitor.co.ug/News/National/How-al-Shabaab-entered-Uganda/-/688334/2453730/-/3u3m4xz/-/index.html. The Monitoring Group is aware of claims by Al-Shabaab denying the disruption in Kampala. See also Somalicurrent, "Al Shabaab denies Ugandan officials foiled planned attack", 15 September 2014. Available from www.somalicurrent.com/2014/09/15/al-shabaab-denies-ugandan-officials-foiled-planned-attack/.

[k] The Monitoring Group is also following credible reports that have linked a number of senior Al-Shabaab commanders to a potential oath of allegiance to Islamic State. On 6 September 2014, Al-Shabaab and its new leader reconfirmed their oath of allegiance to Al-Qaida.

17. Accordingly, during the reporting period, high-profile commanders, including Abdulkadir Mohamed Abdulkadir "Ikrima", Mohamed Sultan Sandhere "Ukash" and Yusuf Dheeq "Ishmaaciil",[15] who have all been linked to high-profile "complex" attacks in 2013 and 2014,[16] enjoy operational freedom to plan and direct attacks from their base in Barawe in Somalia.[17] Paradoxically, foreign counter-terrorism operations (intelligence-led air strikes) in Somalia have also been adeptly exploited by Al-Shabaab for its own propaganda purposes. This was clearly illustrated in October 2013 after the failed attempt to kill or capture "Ikrima"[18] and more recently in August 2014 when Al-Shabaab's media wing, Al-Kataib, released a documentary-style reconstruction of the abortive French-United States military raid on Bulo Marer on 11 January 2013.[19]

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[15] According to sensitive reporting received by the Monitoring Group in September 2014, and corroborated by a regional intelligence service, Yusuf Dheeq "Ishmaaciil" is reportedly Al-Shabaab's chief Amniyat in charge of external operations.

[16] Unconfirmed information has linked "Ukash" to two regional attacks.

[17] The Monitoring Group believes that the use of intelligence-led air strikes against Al-Shabaab in Somalia gives rise to short-term gains, unlike counter-terrorism operations against core Al-Qaida, which have, for the most part, denied operatives, in particular senior leaders and commanders, sanctuaries, thus keeping them "on the run". This would appear not to be the case in Somalia with regard to Al-Shabaab leaders. By and large, Al-Shabaab's senior leadership remains intact and able to move freely within the country. An example is the unconfirmed reported visit of Al-Shabaab's Governor for Banadir, "Ali Jabal", attending a Koranic competition in Mogadishu (see http://dalsanradio.com/articles/7197/Senior-Alshabaab-Member-Takes-Part-a-Quran-Quiz-in-Mogadishu). The Group notes that the Federal Government has denied this claim by Al-Shabaab.

[18] On 7 October 2013, an Al-Shabaab member, "Saqr Quarish", gave an alleged first-hand account of the counter-terrorism operation in Barawe to capture "Ikrima". His account was posted on his Twitter account, which later turned up in several jihad forums. For the account, see http://ent.siteintelgroup.com/Jihadist-News/jihadist-gives-alleged-account-of-u-s-navy-seal-raid-in-barawe.html.

[19] The video is available from http://sitemultimedia.org/video/SITE_Shabaab_Failed_French_Raid.mp4.

Operation Eagle

18. Meanwhile, offensive action by AMISOM, supported by the national armed forces, has seen Al-Shabaab cede more territory in Somalia during the current reporting period (see the map of areas captured from Al-Shabaab as at July 2014 in annex 1.1). Following the adoption of Security Council resolution 2124 (2013),[20] a military campaign under Operation Eagle was launched in March 2014 with the objective of degrading Al-Shabaab's capacity to control strategic locations in Somalia.[21] The current cessation in military operations notwithstanding,[22] Operation Eagle appears to have made tangible gains,[23] including capturing areas from Al-Shabaab in Bakool, Galguduud, Gedo, Hiiraan and Lower Shabelle (see S/2014/330).

19. Both AMISOM and the national armed forces have, however, had to contend with regular attacks by Al-Shabaab in the recovered locations, highlighting the scope of the group's infiltration. An example of this was on 13 March 2014, following the capture by AMISOM of Buulobarde in the Hiiraan region. Less than a week later, Al-Shabaab carried out a "complex" attack against a makeshift AMISOM base in Buulobarde on 18 March 2014, killing two AMISOM soldiers and a number of national armed forces personnel.[24]

20. The Monitoring Group believes that Operation Eagle's "success" should also be linked to unwillingness on the part of Al-Shabaab to engage the allied forces militarily and to tactically opt to cede territory without resistance. This would suggest that Al-Shabaab intends to focus its efforts on intelligence gathering, infiltration and asymmetrical attacks, as seen during the current mandate, in strategic locations such as Mogadishu and sanctuaries such as Puntland and Somaliland.

21. Annex 1.3 provides a description of the tactics, techniques and procedures of Al-Shabaab in Mogadishu.

22. Annex 1.4 provides a description of the presence of Al-Shabaab in Puntland.

B. Al-Shabaab as a regional and international threat

23. Not since the prominence in the Horn of Africa of the former Al-Qaida in East Africa[25] has the region been besieged by a more determined, prolific and effective

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[20] By its resolution 2124 (2013), the Security Council requested the African Union to increase the AMISOM force strength from 17,731 to 22,126.

[21] The Monitoring Group notes that, while Operation Eagle's objectives have been achieved to an extent, evidence continues to indicate that Al-Shabaab retains the capacity to strike at will within the "recovered" locations deemed as strategic. An example was its assassination of the Interim Juba Administration intelligence officer, Isse Kambano, in February 2014 (see www.keydmedia.net/en/news/article/somalia_senior_security_officer_shot_dead_in_kismayo/).

[22] As at the time of writing, there had been no resumption of military operations against Al-Shabaab.

[23] While Operation Eagle has achieved gains militarily, according to the AMISOM Joint Operation Information-Sharing Forum, there continues to be serious challenges with regard to stabilization across "liberated" areas.

[24] See BBC News, "Somalia's al-Shabab attacks army hotel in Bulo-burde", 18 March 2014. Available from www.bbc.com/news/world-africa-26626335.

[25] Al-Qaida in East Africa has evolved over several generations since its arrival in the Horn of Africa in the early 1990s and has arguably had three generations: 1991-1996, 1996-2002 and 2002-2011.

Al-Qaida-affiliated group as Al-Shabaab.[26] Likewise, since the Monitoring Group's previous report (S/2013/413), strictly confidential annex 2.1), Al-Shabaab has demonstrated its resilience in emerging from a fractious state in late 2012 to mid-2013, caused by leadership and operational disputes, while enduring a series of kinetic counter-terrorism campaigns by regional and foreign intelligence services.[27]

24. The sustained counter-terrorism pressure and successful overcoming of internal divisions have forced the Al-Shabaab core to become more operationally audacious by placing greater emphasis on exporting its violence beyond the borders of Somalia.[28] Conversely, in the past year, Al-Shabaab's overt regional strategy has relied increasingly on its entrenched support-base of Amniyat-like operatives,[29] especially in Djibouti and Ethiopia, and, to an extent, affiliates,[30] including Al-Hijra in Kenya, to conduct terrorist attacks in the region.[31]

25. By the end of 2013, Al-Shabaab's regional strategy had become apparent: a resurgent extremist group sufficiently assertive to fully align itself with and pursue strategies adapted to transnational Al-Qaida operations. Evidence of this is visibly manifested in the "Badru Nairobi Operation", commonly known as the Westgate shopping mall attack of September 2013. The operation,[32] conceived in Somalia, planned from a United Nations refugee camp and executed from Eastleigh in Nairobi,[33] signalled the widely anticipated operational shift. It marked a departure from "soft targets" to "complex and spectacular" large-scale attacks beyond Somalia,[34] drawing on, where practical, a combination of Al-Hijra resources (in Kenya) at the peripheral level and the operational discipline of Al-Shabaab core

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[26] For a number of years, Al-Qaida in East Africa enjoyed operational success in the Horn of Africa. The Monitoring Group assesses that Al-Shabaab is beginning to enjoy the same operational success regionally in East Africa. See "The future of Al-Qaeda", available from www.investigativeproject.org/documents/testimony/394.pdf.

[27] From 2012 to 2013, open-source intelligence and sensitive reporting have shown that international actors, including the United States and the United Kingdom, and regional allies, such as States members of the Intergovernmental Authority on Development, have focused efforts to counter Al-Shabaab's activities.

[28] Contradicting his seemingly isolationist policies to date, Ahmed Godane, in his Ramadan audio address, released on 30 June 2013, stated that "the mujahid must know that our war against the kafir is borderless and not constrained to some geographical regions or any specific land" and that "the mujahid must comprehend that our jihad is a global jihad that gives support to every oppressed Muslim in every corner of the globe". The Monitoring Group believes that the statement was a potential indicator of Al-Shabaab's intention, following the purge in mid-2013, to redouble its regional operations.

[29] Evidence suggests that some of those individuals include Somalis living outside Somalia, such as diplomats, journalists and community activists.

[30] During the current mandate, the Monitoring Group encountered severe operational difficulties in investigating Al-Hijra in Kenya and regionally owing to national security concerns on the part of the Government of Kenya. The United Nations and the Government are currently in discussions on resolving the situation.

[31] The Monitoring Group is increasingly concerned by the foreign link to Al-Hijra, in particular its foreign financiers.

[32] See Al-Shabaab, "Was the Badru Nairobi Operation a cowardly act", *Gaidi Mtaani*. Available from https://azelin.files.wordpress.com/2013/11/gaidi-mtaani-issue-4.pdf.

[33] The Monitoring Group remains extremely concerned at the use of United Nations camps as safe havens and staging grounds for Al-Shabaab operations. Since its mandate in 2010 it has observed an increased Al-Shabaab presence, exploiting such camps for terror activities.

[34] Historically, Al-Shabaab's operational models and tactics, techniques and procedures have always been tried and tested in Somalia before being exported to the region.

Amniyat-like operatives on the other.[35] On a psychological level, the operation has dispelled the latent belief within Kenya, which appeared to be borne out of a series of failed aspirational plots by affiliates such as Al-Hijra, that "complex and spectacular" attacks were impossible.[36]

26. In 2014, Al-Shabaab's newfound operational tempo in Kenya continued with a series of symbolic attacks and attempted plots, including a partially constructed vehicle-borne improvised explosive device, successfully infiltrated from Somalia. The device was reportedly destined for a major attack in Mombasa (see strictly confidential annex 2.1).[37] Demonstrating its operational philosophy of fomenting fear in Kenya, Al-Shabaab planted an improvised explosive device inside Jomo Kenyatta International Airport on 16 January 2014. The symbolic attack was linked to a Nairobi-based Somali diplomat, Ilyas Yussuf Warsame, and five others.[38] By mid-2014, the accumulation of Al-Shabaab attacks inside Kenya and the potency of its threat appeared to have resulted in the group achieving part of its objective: to create anxiety in Kenya. The response based on credible intelligence has led a number of Western embassies in Kenya to issue travel advisories and others to reduce staffing levels.[39]

27. In Ethiopia, Al-Shabaab's meticulous and incremental planning to carry out violent attacks involved the reassigning of Amniyat-like operatives from Kenya, Somalia, Somaliland and possibly Yemen to Addis Ababa in the form of the "Bole Rwanda cell".[40] This included an Al-Shabaab operative assuming the identity of a United Nations worker and another using his membership of the Puntland security forces and patronage from the Puntland authorities to conspire against Ethiopia. The plot, if executed as planned, would almost certainly have resulted in Al-Shabaab breaking its long operational deadlock inside Addis Ababa.[41] Owing to enhanced security, however, in the final hours leading up to an attack that would have caused mass casualties, Al-Shabaab was compelled to abort a "complex and spectacular" attack on 13 October 2013, less than a month after the Westgate shopping mall attack.[42]

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[35] In its previous report (S/2013/413), the Monitoring Group described Al-Shabaab's intention to shift from "soft targets" to "complex and spectacular" attacks.

[36] Credible information obtained by the Monitoring Group in relation to several senior Al-Hijra members, including Abubakar Shariff Ahmed "Makaburi" and a direct Twitter message by Abu Mansour Al-Amriki, revealed frustrations at the inability to carry out a major attack in Kenya coordinated and executed by Kenyans.

[37] Incomplete evidence suggests that, unlike previous years, Al-Shabaab core operatives have predominantly carried out attacks inside Kenya in 2014.

[38] The Third Secretary of the Embassy of Somalia in Nairobi, Ilyas Yussuf Warsame, was arrested on 23 January 2014 in connection with that and other attacks. The Monitoring Group notes that he has denied being a member of Al-Shabaab or being involved in the attack (see http://bigstory.ap.org/article/kenya-4-men-charged-court-airport-bombing).

[39] BBC News, "Travel firms suspend flights to Mombasa after FCO warning", 16 May 2014. Available from www.bbc.com/news/uk-27434902.

[40] Exploitation of Al-Shabaab's Ethiopian "Bole Rwanda cell" e-mail accounts and financial records by the Monitoring Group reveals the cell's contacts with Yemen and an operational tier linked to Yemen described by multiple independent sources as an Al-Qaida affiliate.

[41] The Monitoring Group has been briefed in detail on three previous credible Al-Shabaab plots to attack Addis Ababa.

[42] See "Two die in a bomb blast in Addis Ababa", *Addis Standard*, 14 October 2013. Available from http://addisstandard.com/two-die-in-a-bomb-attack-in-addis-ababa.

28. Similarly, in 2014, credible information gathered on Al-Shabaab further reinforces its operational scope and discipline in planning attacks in the Horn of Africa. The Al-Shabaab core can coordinate and conduct successful attacks throughout the Horn, in addition to retaining the operational capability to specifically target Westerners in Djibouti and Kenya, among other countries.[43] Meanwhile, sensitive information acquired by the Monitoring Group strongly indicates that Al-Shabaab may have "misdirected" regional and foreign intelligence services in relation to its target (La Chaumière restaurant) in Djibouti on 24 May 2014.[44] This trait demonstrates the same level of operational tradecraft observed during the planning stages of the "Badru Nairobi Operation" (see strictly confidential annex 2.1).

29. Strictly confidential annex 2.1 provides a description of Al-Shabaab's regional operations in Kenya.

30. Strictly confidential annex 2.2 provides a description of Al-Shabaab's regional operations in Ethiopia.

31. Strictly confidential annex 2.3 provides a description of Al-Shabaab's regional operations in Djibouti.

C. Local threats to peace and security in Somalia

Threats to peace and security in the Sool region

32. The Monitoring Group has followed events closely in the Sool region of north-eastern Somaliland, where Somaliland forces have clashed with Puntland forces and militias loyal to Khatumo, a political organization based in the Dhulbahante clan that is pursuing the creation of a regional state within Somalia and separation from Somaliland.

33. The region is particularly prone to conflict, given the competing claims by Somaliland, Puntland and Khatumo over oil-rich territory there and political infighting among the Dhulbahante, who are divided in loyalty between Puntland, Khatumo and Somaliland. The conflicts have also resulted in attacks on civilians and population displacements (see annex 8.2).

34. The Monitoring Group is concerned by the steady militarization of Sool, especially since November 2013. Notably, the Khatumo movement has cultivated political support from the Federal Government, which does not recognize the claims of Somaliland to oil rich-territory, but after January 2014 has also warmed relations with the Government of Puntland.

35. While the Monitoring Group is concerned by apparent links between Khatumo and Al-Shabaab, it has also noted the potential risks posed by plans drafted by the Government of Somaliland to deploy an oil protection unit in oil-rich territory in

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[43] See Voice of America, "Deadly blast in Djibouti", 24 May 2014. Available from www.voanews.com/content/deadly-attack-in-djibouti/1921950.html. The Monitoring Group assesses that one of the reasons for selecting the Westgate shopping mall as a target was the high number of Westerners frequenting it daily. Credible evidence also suggests that Mombasa is a high-risk area for Westerners.

[44] Information acquired "indirectly" from a senior Djiboutian diplomatic official in May 2014 suggests that electronic surveillance pointed the intelligence services in the wrong direction.

Sool (see annex 3.1 on deteriorating security conditions in Sool and annex 6.7 on plans by the Somaliland authorities for an oil protection unit).

Threats to peace and security in Lower Shabelle and Middle Shabelle

36. In Lower Shabelle and Middle Shabelle, clan-based political violence broke out and sharply escalated from 2013 to the present. The fighting has involved clan militia of the Biyamal (Dir) and Habar Gedir (Hawiye) in Lower Shabelle and the Abgaal (Hawiye) and Shiidle (Bantu/Jareer) in Middle Shabelle, revenge killings and attacks on civilian settlements amounting to gross violations of human rights and, in some cases, international humanitarian law. The complexity of the situation, for example in Lower Shabelle, entails a combination of the alleged role of senior army officers and soldiers in the violence, leakages of arms to clan-based militias, use of misappropriated resources to fuel the conflict, business interests in capturing land and other resources and political agendas seeking to influence the federal state-formation process. The conflict risks spilling over to other regions, including the capital region of Banadir (Mogadishu) and Bay region (Baidoa), and complicates the continuing campaign against Al-Shabaab.

37. See annex 3.2 for an overview of rising tensions in Lower Shabelle and Middle Shabelle.

D. Piracy and kidnap for ransom

Overview

38. Somali piracy remains at a low point. The most recent hijacking of a high-value merchant vessel dates back to May 2012 (that of the Greek-owned and Greek-operated crude oil tanker *Smyrni*). While piracy may be largely contained, however, many of its underlying causes continue to exist. In addition, unlike those pirates who have been arrested and prosecuted worldwide, most of the principal organizers, financiers and facilitators of this transnational organized crime have gone undisturbed and unpunished.

39. With only 15 attacks registered in 2013, including two hijackings, and similar statistics until mid-2014, Somali piracy has diminished and reverted to a level comparable to 2006,[45] although with notable differences between conditions on land and at sea.

40. Between July and December 2006, the rising phenomenon of Somali piracy suffered a serious setback when the Union of Islamic Courts, a political force driven by ideology and religion, significantly clamped down on pirates in areas in which it assumed control, notably pirate safe havens such as Hobyo and Harardhere. The change of political landscape, with leaders in southern and central Somalia having little interest in pirate revenue, resulted in a significant decrease in the number of attacks and hijackings in comparison with 2005.[46] Nevertheless, increasing patrols

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[45] International Chamber of Commerce International Maritime Bureau, "Piracy and armed robbery against ships: report for the period 1 January-31 December 2013" (London, January 2014).

[46] In 2006, the International Maritime Bureau registered 20 attacks, including five hijackings, which represented a decrease of 60 and 66 per cent, respectively, in comparison with 2005 (50 attacks, including 15 hijackings).

by international naval forces notwithstanding, pirates remained relatively successful in 2006, with 1 in 4 attacks resulting in the hijacking of a vessel.[47]

41. With the Union of Islamic Courts ousted by 2007, piracy activity in southern and central Somalia resumed and rapidly became successful again.[48] Unopposed on land, pirates increased and expanded their activities at sea to a point where, in 2009 and 2010, a vessel was pirated on average every week.[49] In 2011, however, their success began to diminish with the increasing use of armed private maritime security companies aboard vessels, until such time in 2012 when pirates were no longer able to hijack a vessel, except unprotected and less-valuable targets such as dhows and fishing trawlers.

42. The consistent inability of pirates to hijack high-value targets has ultimately led to a withdrawal of investment by financiers and a reduction in operations, resulting in a much lower hijacking rate.[50]

43. Somali piracy has not, however, been completely eradicated and remains a threat to peace, security and stability. Armed attacks by pirate action groups are still occasionally reported. During the first half of 2014, at least two pirated dhows carrying charcoal were freed by naval coalition forces (see annex 4.1 for a list of registered armed attacks and disruptions since October 2013).

44. Information and communications data seized from arrested pirates also revealed associations with earlier hijacking cases and well-known individuals, such as pirate leaders Mohamed Osman Mohamed "Gafanje", Abdullahi Mohamed Jama "Farahow"[51] and pirate negotiator Abdishakur Mohamud Mohamed "Fred",[52] indicating that existing pirate networks are continuing to test the waters to assess the viability and possibility of reviving the once highly profitable piracy business (see annex 4.2 for photographs of "Gafanje").[53]

45. In addition, at least 42 hostages remain in captivity on land. On 11 March 2014, Kenyan law enforcement authorities confirmed the kidnapping by Somali pirates of

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[47] In 2006, there were five hijacked vessels registered: two dhows, a fishing trawler, a general cargo vessel and a product tanker.

[48] In 2007, the International Maritime Bureau registered 47 attacks, including 12 hijackings, an increase of 135 and 140 per cent, respectively, in comparison with 2006.

[49] In 2009, the International Maritime Bureau registered 217 attacks, including 47 hijackings. In 2010, the numbers rose to 219 attacks and 49 hijackings.

[50] In 2013, the International Maritime Bureau registered 15 attacks, including two hijackings, which represents a hijacking succes rate of 13.3 per cent, the lowest since 2005.

[51] Mohamed Osman Mohamed "Gafanje" is a renowned leader of the Hobyo-Harardhere piracy network who has been involved in tens of hijacking and abduction cases between 2008 and the present, including the abduction of a United States/German journalist, Michael Scott Moore. On 18 August 2014, "Gafanje" was reportedly captured and arrested by the security forces of the Federal Government of Somalia following a raid on his house in Mogadishu, but released again a month later following an alleged bribe payment of $200,000. Abdullahi Mohamed Jama "Farahow" is a pirate leader originally from Barawe who has reportedly been involved in the hijacking of a South African yacht, *Choizil*. He is also connected to the hijackings of three other vessels: *Pompeii* (2009), *Hansa Stavanger* (2009) and *York* (2010).

[52] "Fred" was a pirate negotiator for the hijacked vessel *Rak Afrikana* (2010). He is linked to pirate kingpin Mohamed Abdi Hassan "Afweyne" and in direct contact with several pirate financiers and pirate leaders, such as Mohamed Osman Mohamed "Gafanje" and Abdirahman Abdullahi Haji "Suhufi" (see further S/2013/413, strictly confidential annex 4.6).

[53] Information and communications data extracted in connection with the disruption and arrests of two pirate groups in November 2013 and January 2014.

two Kenyan engineers in Mogadishu on 12 January. They had reportedly been held in Harardhere before being moved to a location in the vicinity of Hobyo.[54]

46. Given the persistence of piracy networks and their business patterns, pirate operations can easily resume, even on a large scale, if circumstances at sea again become favourable.

Somali responses to international arrests of pirates

47. On 12 October 2013, the Belgian authorities arrested the renowned pirate kingpin Mohamed Abdi Hassan "Afweyne" upon his arrival in Brussels for his involvement in the hijacking in 2009 of the Belgian stone carrier *Pompeii.* His business partner and former "President" of the self-declared autonomous region of Himan and Heeb, Mohamed Abdullahi Moalim-Aden "Tiiceey", was arrested with him and is accused of facilitating ransom payments and other activities on behalf of Somali pirates (see annex 4.3).

48. The exceptional arrest and detention of the pirate leader and his accomplice caused much misunderstanding among the Somali population, in particular in Himan and Heeb, where both men were operating. Several protest marches were held in the capital, Adado, in October and November 2013, with tens to hundreds of people, often women and children, holding posters with Afweyne's picture and asking for him to be freed, stating that he was not a pirate, but a businessman (see annex 4.4 for photographs).

49. Religious men and individuals with disabilities who attended a rally held in Adado on 23 November 2013 to protest against the "unlawful" arrests stated that individuals with disabilities throughout Himan and Heeb, who had greatly benefitted from Afweyne's generosity, were suffering and called for the immediate and unconditional release of the two men.[55]

50. Similarly, family, friends and supporters of Tiiceey rejected his arrest, criticized the allegations made against him and voiced their demand for his immediate release on social media, through petitions and television interviews and during organized meetings in his hometown of Minneapolis, United States.

51. Such protests and criticism illustrate that piracy is considered more a source of revenue than a wrongful activity in Somalia. Many regard Afweyne, although responsible for dozens of hijackings, killings and inhuman suffering, to be a benefactor of the community rather than a criminal. There is local indifference to the fact that he acquired his wealth and power by shrewdly exploiting an environment of lawlessness, poverty and corruption.

52. Having facilitated and pardoned pirate leaders in the past, local and central authorities in Somalia in no way counter the distorted image of pirates and piracy. When the arrests of Afweyne and Tiiceey were made public, government officials remained silent, except for those who spoke out publicly to criticize the arrests.

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[54] The remaining hostages as at 7 July 2014 include those from the *FV Prantalay* (12, including 4 from Thailand), the *MV Asphalt Venture* (7 from India) and the *FV Naham* 3 (11 from China, 5 from the Philippines, 5 from Indonesia, 4 from Cambodia and 3 from Viet Nam), in addition to Michael Scott Moore and two civil engineers from Kenya.

[55] See www.goboladaradio.com/?p=19902.

53. Speaking to the local media in Mogadishu on 16 October 2013, the Deputy Chair of the Internal Affairs Committee of the parliament, Dahir Amin Jesow, condemned the arrest of Afweyne.[56] He accused the Government of Belgium of violating the diplomatic immunity of Afweyne who, he said, was a "government official" contributing to the restoration of security in the country and the demobilization of Somali pirates. He further said that Afweyne was holding a political position in the Government and described his arrest as unlawful. He also described the arrest as a humiliation, given that it was conducted without previously notifying the Government.[57]

54. During an interview on 7 June 2014 with a Somali-language website, the official spokesperson of Himan and Heeb, Arays Mohamed Haji,[58] was asked to give an update on the incarceration of Tiiceey and Afweyne in Belgium. He made the following remarks:

> The prominent and famous businessman from Himan and Heeb [Afweyne] and the former Himan and Heeb President [Tiiceey] are still held in detention in Belgium. They have not yet been tried for any crime and therefore remain innocent until proven guilty in a court of law. Since their detention, the Himan and Heeb regional government has spared no efforts, legally and diplomatically, to secure the release of the two men. We still call for their release. They are not criminals. If they had committed any crime, they would have already been proved guilty and convicted. We call for their release. They are highly respected elders and prominent politicians. They are illegally being held in detention. We still call for their release.[59]

55. In addition, Afweyne's own criminal network has forcibly, although not publicly, reacted to his arrest. In November 2013, the Monitoring Group was informed that Afweyne's son, pirate leader Abdikadir Mohamed Abdi (see annex 4.5 for photographs), had announced a reward of $500,000 among the Hawiye/Habar Gedir clan for kidnapping a Belgian to be used to negotiate the release of his father.[60]

56. In the same context, multiple reports have indicated that, early in June 2014, well-armed pirates belonging to groups under the control of Mohamed Osman Mohamed "Gafanje" and Abdikadir Mohamed Abdi were organizing themselves in the coastal towns of Hobyo and Ceel Huur[61] in preparation for a sea operation

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[56] Dahir Amin Jesow is a member of the Hawiye/Gaaljecel/Cifaaf Abdi subclan from the Hiraan region. In March 2014, he, accompanied by an elder of the Hawiye/Gaaljecel clan, Ugaas Abdirahman Ugaas Abdullahi, attended a Gaaljecel clan meeting held in The Hague, the Netherlands, in the presence of clan members from Belgium, Germany, the Netherlands, Switzerland and the United Kingdom. Both men are believed to hold foreign passports (issued by the United Kingdom and New Zealand, respectively). See www.radiowehel.com/2014/03/10/ugaaska-beesha-gaaljecel-xildhibaan-jeesow-oo-lagu-soo-dhaweeyay-holland-sawirro/.

[57] See www.raxanreeb.com/2013/10/xildhbaan-daahir-amiin-jeesow-oo-sharci-daro-ku-tilmaamay-xariga-maxamed/.

[58] Arays Mohamed Haji is a member of the Somali diaspora in London. He was appointed as spokesperson in February 2014, replacing Mohamed Omar Hagafey, another member of the Somali diaspora in London.

[59] See http://raasnews.com/dhageyso-xaalka-tiiceeye-iyo-afweyne-xaguu-ku-dambeeyaa/.

[60] Information obtained independently from law enforcement and military sources.

[61] The coastal town of Ceel Huur is located some 57 km north-east of Xarardheere and 50 km south-west of Hobyo (5°0'24" N, 48°16'9" E).

intended to hijack a merchant vessel, again to use as leverage to negotiate the release of Afweyne.[62]

57. There is no doubt that Afweyne will continue to enjoy the support of the Hawiye/Habar Gedir clan in general and his Saleebaan subclan in particular, given that it is becoming increasingly clear that many have previously benefited from his pirate activities.

Impunity and diversification of pirate finances

58. In its 2012 (S/2012/544) and 2013 (S/2013/413) reports, the Monitoring Group emphasized the absence of United Nations sanctions against and prosecution of identified pirate leaders, financiers and facilitators and the impunity and immunity that they therefore continued to enjoy. Sanctions may, however, be the only and last means of leverage to persuade the Federal Government and other Member States (where some pirates reside, travel or hold bank accounts) to take action.

59. In the meantime, with piracy rates down for three successive years, pirates are currently benefitting from an environment of impunity that allows them to invest in new forms of business, both legal and illegal, to launder their proceeds and gain further profit.

60. As such, and further to documented cases of pirate leaders turning to unlicensed fishing operations in Somali waters as a new source of revenue (see S/2013/413, annex 3.1), the Monitoring Group continues to identify former pirates actively involved in other business activities, including arms trafficking, the airline industry, renewable energy technology, car export and import and the fishing industry (see annex 4.6 for a case study on Central Air Aviation).

61. Preliminary investigations into the finances of pirates and former pirates have revealed significant sums of money circulating inside and outside Somalia, financial dealings with Somali politicians, money-laundering in Dubai, United Arab Emirates, and various bank accounts of pirate leaders, financiers and facilitators held in Somalia and Djibouti, several holding close to $1 million (see annex 4.7 for an overview of pirate finances).

E. Public sector financial mismanagement and corruption

62. Further to its previous reports (S/2012/544 and S/2013/413), the Monitoring Group continued to investigate past and present acts of corruption that undermine public institutions through the diversion of national financial flows and revenue of national assets in Somalia. In its investigations, the Group has considered that the misappropriation of public resources entails the elements of intent, capability and opportunity and conduct. Overall, the Group has observed the perpetuation of conventional patterns of diversion by holders of public office and civil servants with access to national resources or by gatekeepers of government offices, who have continued the basic practices of the Transitional Federal Government. The Group has also, however, identified novel and yet more sophisticated strategies for the

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[62] Information obtained from a military naval source and independently confirmed by the Monitoring Group through a Somali source on the ground with direct access to Hobyo-Harardhere pirate groups.

misappropriation of government funds. The Group remains concerned about acts that threaten to capture the public financial management environment in Somalia and undermine international efforts to achieve greater transparency and accountability of Somali finances.

63. The Monitoring Group previously noted that, under the transitional federal institutions, the systematic misappropriation, embezzlement and outright theft of public resources had essentially become a system of governance (S/2012/544, para. 15), undermining the prospects of stabilization and perpetuating a political economy of State collapse. A change in political circumstance with the establishment of the Federal Government in 2012 notwithstanding, underlying corruption as a system of governance has not yet fundamentally changed and, in some cases, the situation arguably has worsened, especially the phenomenon of "secret contracting". The Group has noted that there is a prevalent argument with regard to Somalia that a degree of diversion is inevitable or even acceptable as part of the State-formation process and the exercise of power under the prevailing conditions. This argument is not only inconsistent with the scale of irregular financial flows, but also disregards the importance of corruption to the chronic insecurity of Somalia.[63] In its investigations, the Group has consistently found patterns of misappropriation with diversion rates of between 70 and 80 per cent. The indications are that diverted funds are used for partisan agendas that constitute threats to peace and security.[64]

64. The Federal Government has publicized the efforts under way to reform public financial institutions and management. For example, a new board of directors of the Central Bank was selected and approved by the Cabinet on 24 April 2014, but is awaiting parliamentary approval. Following a search process, a new auditor general was appointed on 13 February 2014. A new accountant general identified, however, declined the position. A procurement amendment bill was approved by the Council of Ministers on 22 May 2014 and an audit bill was approved in June 2014, but both are awaiting parliamentary assent. A ministerial order was published in February requiring the use by all government agencies of the Treasury Single Account and of the Somali Financial Management Information System.[65] Those are important steps in reforming the financial management architecture and need to broaden in scope and deepen in effect with international assistance, because the reality of financial flows in the Government has yet to be altered or transformed from the period of the Transitional Federal Government, in particular in terms of accountability and transparency.

65. As the Monitoring Group has repeatedly concluded, the goal of building an effective and legitimate security sector, in addition to civilian State institutions, as a step towards the stabilization of Somalia will be consistently confounded until the

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[63] In a recent report, the Working Group on Corruption and Security warns specifically against such arguments, given that the sidelining of corruption in favour of narrow security agendas tends to undermine the latter objectives. See Working Group on Corruption and Security, "Corruption: the unrecognized threat to international security" (Washington, D.C., Carnegie Endowment for International Peace, June 2014). Available from http://carnegieendowment.org/files/corruption_and_security.pdf.

[64] The figures are consistent with the period of the Transitional Federal Government. See "World Bank summary of financial diagnostic assessment of 'audit investigative financial report 2009-10'", 30 May 2012. Available from http://wardheernews.com/World_Bank/World_Bank_Summary_of_FDA.pdf.

[65] Second periodic report of the Financial Governance Committee, issued in June 2014.

broader issues of public corruption are meaningfully addressed. In this regard, the Group recommends that the Committee act as rapidly as possible with regard to individuals and entities proposed for designation by the Group in cases of misappropriation of public finances, and in particular individuals and entities in the private sector responsible for instrumentalizing such corruption.

Phenomenon of "secret contracting"

66. The Monitoring Group is particularly concerned about the phenomenon of "secret contracting", which has become a way of doing business for the Federal Government since at least mid-2013 and creates the opportunity for misappropriation. Contracts regarding national public assets affecting the public interest have been signed by government officials but kept highly confidential — from the Somali population, the parliament and, until now, international donors. Neither the process of signing the contracts nor their implementation, including the transparency and accountability of their revenue streams, is subject to public scrutiny or parliamentary oversight. While the Transitional Federal Government regularly entered into contracts of one kind or another, the political recognition accorded to the Federal Government has enabled it to enter into contracts of considerably greater value than could the Transitional Federal Government. One particular contract alone constitutes a value greater than the national budget. Abuse of the legitimacy of the Federal Government to enter into contracts that operate in the same way as private contracts outside the institutions of government has effectively created a parallel system of finances beyond and much greater than the realm of public financial management.

67. None of the contracts regarding national assets entered into in the name of the Federal Government have to date been officially published. Some have been shared for review by the Financial Governance Committee, which includes representatives of the Federal Government and international financial institutions. The Financial Governance Committee confidentially reviewed seven contracts for seismic data processing and marketing, Mogadishu port development and operations, Mogadishu airport development and operations, Mogadishu container port operations, oil and gas exploration and development, the construction of offshore patrol vessels and fisheries management and protection. According to the Financial Governance Committee, "the confidential reviews have established that all of the contracts/ concessions reviewed suffer from two important omissions: lack of clear [Federal Government of Somalia] specifications/[terms of reference], and the absence of any competitive tendering process".[65] Another significant problem is that the secrecy of contracts creates mistrust and uncertainty in the various regions of Somalia in terms of sharing of natural resources, which will be exacerbated with the prospects of oil contracts, marine resources and other potential mineral extraction from Somali soil. This can have detrimental effects, not least for the process of federalization. Other problems, given the secrecy of the contracts, are simply knowing how many there are, obtaining copies of them and determining who is actually involved and how. Sources have informed the Monitoring Group that dozens of contracts have been signed.[66] For an overview of several contracts, see annex 5.1.

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[66] One senior official asserted in June 2014 that between 25 and 30 contracts had been signed in the preceding six months.

68. In this context, the Monitoring Group obtained documentary evidence that demonstrates that individuals close to the presidency are conspiring to take private control of recovered overseas assets, which should be under the fiduciary control of the Central Bank upon recovery. The effort was undertaken pursuant to a contract signed in July 2013 between the Federal Government and the United States law firm of Shulman, Rogers, Gandal, Pordy and Ecker, P.A., and led to the resignation of Yussur Abrar as Governor of the Bank. Her successor, Bashir Issa Ali, revoked the power of attorney associated with the contract on 13 May 2014 and terminated the contract itself on 14 July. The Group further investigated one of the key individuals involved in the overseas recovery effort, Musa Haji Mohamed "Ganjab", who has past connections to Al-Shabaab and was involved in the diversion of official army weapons stocks (see strictly confidential annex 6.4).

69. A full case study of the contract with the United States firm appears in strictly confidential annex 5.2 as an illustration of the approach and methods of "secret contracting", although each such contract has its own unique narrative.

Central Bank of Somalia

70. The period from 2013 to 2014 has not entailed ideal conditions for fundamental reform of the Central Bank, with the Governor resigning on 13 September 2013, the replacement resigning on 30 October and an interim governor being appointed for 90 days and confirmed only on 24 April 2014. In its previous report (S/2013/413, annex 5.2), the Monitoring Group described the system of *fadlan* payments from the Bank to private individuals or to public officials for private purposes, which the Group found in 2011 amounted to 87 per cent of all withdrawals and in 2012 to 76 per cent. Those figures declined to 72 per cent following the establishment of the Federal Government. The Group has reviewed the accounts of the Bank since its previous report and estimates that the rate of *fadlan* payments to individuals from the Bank remains largely between 70 and 75 per cent. Notably, however, following the publication of the Group's previous report in July 2013, the names of all individuals receiving payments in the Bank's accounts were replaced with coded numbers to obscure the identity of the recipients. It is unclear who holds the master code list with the names against the numbers.

71. The independence of the Central Bank has relied less on the institutional structures in place or not in place than on the personality and integrity of individual governors. This factor has been and continues to be key in government efforts to recover overseas assets described in strictly confidential annex 5.2. The intentions of the current Governor to reduce the scale of the *fadlan* system notwithstanding, he has found that expenditure is outside his control. He has sought to introduce a system in which funds are withdrawn based on payment vouchers signed by the Minister of Finance and the Accountant General, in aid of reconciling Bank accounts with the Office of the Accountant General. Funds are not withdrawn from the Bank against line items in the national budget, however, meaning that the Governor does not know the actual purpose of the withdrawals. Furthermore, the Bank has no mandate to control and oversee how government institutions spend dispensed funds, which is formally the task of the Auditor General and the Parliamentary Financial Committee, although they are inadequately empowered.

Mogadishu port

72. Income generated from the port of Mogadishu has conventionally constituted the largest internal revenue stream for the central Government, aside from bilateral donations from other Governments that may or may not be deposited in the Central Bank. Port revenue, whether customs or port fees, has, however, historically been diverted at the source through various practices that persist today. While control over diversion at the port has taken various forms over the years, invariably the port manager or deputy manager is a key figure.

73. In mid-2013, large container vessels began regular shipping to and from the port. They are less subject than smaller vessels to weather patterns, meaning that the regularity of large-scale shipping has increased revenue at the port and the income generated has become more consistent on a monthly basis. Consequently, by the latter half of 2013, the average monthly revenue at the port had increased from approximately $3.8 million to in excess of $5.5 million in customs duties alone, not including port fees and additional charges on tax-exempt imports. The average monthly deposit in the Central Bank from the port since mid-2013 has totalled $4.6 million, however. While deposits of port revenue into the Bank increased generally, they are proportionally less than the increase in shipping at the port, indicating a comparable or possibly higher rate of diversion. At present, the Monitoring Group estimates that at least 30 to 35 per cent of monthly port revenue cannot be accounted for, which is largely a continuation of the previous year's rate of diversion.

III. Violations of the arms embargo[67]

A. Arms embargo modifications for the Federal Government

74. The Security Council modified the arms embargo on Somalia in resolutions 2093 (2013), 2111 (2013) and 2142 (2014), effectively exempting the Federal Government from seeking the Committee's approval for arm deliveries destined for its security forces. In turn, the Federal Government incurred a corresponding set of obligations. It assumed the primary responsibility to notify the Committee with specific details, for its information at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the government security forces. In addition, it was obliged to report to the Council every six months on the structure of its security forces, the infrastructure in place to ensure the safe management and distribution of military equipment and the procedures and codes of conduct in place for the management and distribution of weapons. Notably, the Council decided that weapons or military equipment sold or supplied solely for the development of the security forces must not be resold to, transferred to or made available for use by, any individual or entity not in the service of the security forces.

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[67] In paragraph 8 (b) of resolution 1844 (2008), the Security Council prohibited acts that violated the general and complete arms embargo imposed by the Council in paragraph 5 of resolution 733 (1992). In paragraph 43 (b) of resolution 2093 (2013), it temporarily amended the scope of that prohibition.

75. In its resolution 2142 (2014), the Security Council increased the reporting obligations of the Federal Government, given that the requirements under the partial suspension of the arms embargo had not been fully met. The Council stressed that any decision to continue or end the partial suspension of the embargo on the Federal Government would be taken in the light of the thoroughness of the Federal Government's implementation of its requirements. Meanwhile, the Council requested the Secretary-General to provide options and recommendations on the assistance needs of the Federal Government in order for it to show tangible progress in complying with the terms of the partial suspension of the embargo. Following an assessment mission in March 2014, the Secretary-General responded on 3 April 2014 (see S/2014/243) and a presidential statement was issued on 22 May (S/PRST/2014/9).

76. An assessment of compliance by the Federal Government with the modified requirements of the arms embargo appears in annex 6.1. Between 2013 and 2014, the Federal Government submitted four reports to the Security Council. While still not comprehensive and strictly fulfilling the scope of the requirements of relevant resolutions, the reports nevertheless reflected improvement over time, in particular as a result of support provided by the United Nations Assistance Mission in Somalia (UNSOM) and its international consultants.

77. Since the adoption of resolution 2093 (2013), the number of various types of arms that have been delivered or are expected to be delivered to the Federal Government pursuant to formal notifications to the Committee now exceeds 13,000, with some 5.5 million rounds of different types of ammunition. Some of the weapons and ammunition have been diverted to arms markets in Mogadishu (see annexes 6.2 and 6.3). Overall, given the anomalies and inaccuracies of notifications to the Committee, the diversion of notified weapons, the delivery of weapons exceeding what has been notified, partial notifications, non-notifications, persistently late advance notifications or the lack of post-delivery notifications, especially following the adoption of resolution 2142 (2014), the Federal Government has not imported weapons into Somalia in full compliance with its obligations pursuant to the modification of the arms embargo by the Security Council.

B. Arms networks connected to the Federal Government

78. In its letter of 6 February 2014 to the Committee (S/AC.29/2014/SEMG/OC.8), the Monitoring Group referred to clan-based networks within the government security forces, notably from the main Hawiye subclans, the Abgaal and Habar Gedir, which have had privileged access to official weapons stocks. Sources within the army have informed the Group that two brigades in particular, 1 and 3, which are Abgaal and Habar Gedir brigades traditionally based in Jowhar and Afgoye, received large amounts of weapons from official stockpiles amid escalating clan conflict in Lower Shabelle and Middle Shabelle.[68] Areas around Jowhar and

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[68] Two army logistics officers reported to the Monitoring Group on 26 November 2013 in Mogadishu that Brigade 3 elements and associated Habar Gidir militiamen were driving Biimaal clans off their land in Lower Shabelle, while Brigade 1 militiamen were doing the same to Bantu tribes in Middle Shabelle. Both officers reported that the two brigades received preferential access to army logistics. The information was corroborated by a foreign military intelligence official and a Somali intelligence official in December 2013.

Afgoye were the epicentre of serious clan-based violence, land conflicts and human rights abuses between November 2013 and May 2014, with Abgaal militias clashing with Bantu militias and Habar Gedir clashing with the minority Biyamal and associated militias. As clan conflicts have unfolded in those areas, the Group has observed increasingly complex and fluid relations between the army and armed actors in Lower Shabelle, Middle Shabelle and the Hiraan region. Amid sporadic cooperation between Habar Gedir and Abgaal units, militias that have not been defined by the Federal Government as part of the security forces have acted in concert with the army (see annex 3.2 for a case study on threats to peace and security in Lower Shabelle and Middle Shabelle).

79. Furthermore, the Monitoring Group has obtained evidence implicating Musa Haji Mohamed "Ganjab", who acted as an adviser to the President, Hassan Sheikh Mohamud, and who is a member of his Abgaal/Waesle subclan, in the leakage of weaponry to Al-Shabaab and other forces beyond the army. Musa "Ganjab", a prominent Somali businessman, has in the past acted as a logistical facilitator for Al-Shabaab. In 2013 and 2014, he has been a key figure in the President's efforts to recover overseas financial assets (see annex 5.2), but has also maintained relationships with key individuals in the security sector, notably the army chief of logistics, Colonel Abdullahi Moalim Nur, the former Minister of the Interior and National Security, Abdikarim Hussein Guled, the President of Galmudug, Abdi Hassan Awale "Qeybdiid", and a former warlord, Abdi Nur Siad "Abdi Wal" (previously reported by the Monitoring Group in S/2013/413 as a threat to peace and security). Musa "Ganjab" has introduced himself to individuals in the private security industry as acting on behalf of the Federal Government and its efforts to equip and train military forces. He is also responsible for setting up an armed private security company operating in Mogadishu.

80. For a full case study on Musa "Ganjab", his activities and his connections to Al-Shabaab and others, see strictly confidential annex 6.4.

C. Arms deliveries to Puntland

81. The Monitoring Group has documented the importation of weapons, ammunition and other military items by the former Puntland authorities early in October 2013 in the absence of due notification to the Committee. On 8 October 2013, an Ilyushin-18 aircraft with registration number TT-WAK, leased by Honesty Air Cargo, a Somali-operated airline based in the United Arab Emirates, was found delivering items from Yemen in excess of those notified to the Committee, in addition to items not notified to the Committee, including assault rifles, light and heavy machine guns and ammunition, in violation of resolution 2111 (2013). More details are provided in the case study in annex 6.5.

D. Delivery of detonator cords to north-eastern Somalia

82. Between June 2013 and the end of May 2014, the Monitoring Group counted at least 237 incidents in which improvised explosive devices were used in southern

and central Somalia, killing at least 244 people and injuring an additional 402.[69] The scale of attacks has been intensifying over the past few years, with an increasing number of strikes against high-value targets. Such attacks have tended to be limited in scale in Somaliland and Puntland, with only 13 strikes documented between 2011 and August 2013 in Puntland, according to a report by the Puntland police for 2013.

83. The Monitoring Group previously reported on a large shipment of weapons that had been supplied from Yemen to a location close to Qandala, north-eastern Somalia, in October 2012 (see S/2013/413). The arms cache included 220 RPG-7 rockets, 304 PG-7 boosters, 230 hand-grenade detonators, a 73 mm cannon, 137 kg of TNT, two bags of ammonium nitrate, five rolls of red detonating cord and 500 electric detonators (C-DET), making it one of the largest seizures of an illegal arms cache on record in Somalia in recent years.

84. The Monitoring Group has documented the continued delivery of C-DET electric detonators to Qandala during the course of 2013, and their deployment in a number of recent improvised explosive device cases throughout Somalia, suggesting that the supply lines for important explosive triggering material remain open.

85. The purchaser of the C-DET electric detonators and red detonator cords found in the Qandala shipment in October 2012 has been identified as Anwar Saleh Kodais, a Yemeni individual with close ties to Al-Shabaab and Al-Qaida in the Arabian Peninsula. He has also been connected to individuals identified in the previous report of the Monitoring Group (S/2013/413, annex 3.1), in which reference was made to a criminal network of pirate leaders, illegal fishers and Al-Shabaab agents involved in trafficking in the Gulf of Aden. Information obtained by the Group confirms that Al-Shabaab continues to obtain weapons and component materials for improvised explosive devices from this network (see the case study in annex 6.6).

E. Somaliland oil protection unit

86. The Government of Somaliland has commissioned Assaye Risk, a private security company based in the United Kingdom, to develop a blueprint for an oil protection unit of roughly 580 people in number that would act as a dedicated defensive force to mitigate security threats against seismic operations conducted by oil companies. The blueprint has been paid for by Genel Energy, which in September 2013 temporarily suspended operations in Somaliland citing a "deteriorating security situation".

87. The Monitoring Group previously reported on the security risks posed by conflicting claims over oil licences between the Federal Government and regional administrations, recommending that the Security Council recommend that the Somali authorities avoid signing contracts with oil and gas companies until appropriate constitutional, legislative, fiscal and regulatory provisions had been clarified and agreed to by the Federal Government and its regional authorities (S/2013/413, para. 176 (b)). Meanwhile, commercial actors are proceeding with activity in the oil and gas sector and are likely to attract security threats as their

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[69] Statistics drawn from a confidential database of recorded improvised explosive device attacks compiled with the assistance of a law enforcement agency.

commercial activities expand. The Monitoring Group therefore maintains its position that commercial activity in the sector is expected to trigger conflict unless a joint international and Somali approach to management of natural resources can resolve conflicting claims.

88. Indeed, the formation of an oil protection unit without recourse to transparent processes carries attendant risks, which could exacerbate security conditions in Somaliland in a context in which minority clan interests have challenged the legitimacy of the oil licensing decisions of the Government of Somaliland, to the benefit of Al-Shabaab. In this context, the Group has raised the issue of the oil protection unit both with the Committee and the Government of Somaliland to ensure adherence to best practices and that the unit is not established in violation of Security Council resolutions.[70] The Group wishes to acknowledge the cooperation of Assaye Risk, which has provided information as requested by the Group openly and transparently.

89. An analysis of options for the creation of the oil protection unit appears in annex 6.7.

F. Delivery of military-type vehicles and weapons to Jubaland

90. Between April and June 2014, the Interim Juba Administration imported to Kismayo 40 Toyota Land Cruisers (four-wheel-drive pickups) shipped from the United Arab Emirates and paid for by funds from customs duties on charcoal exports. The procurement and import of the vehicles are believed to have been facilitated by a charcoal trader affiliated to Al-Shabaab, Ali Naaji, in collaboration with the Kismayo port manager, Abdullahi Dubad Shil "Hadun", and the deputy port manager, Yusuf Gamadid. The vehicles were subsequently painted with camouflage colours and equipped with heavy machine guns. In addition, the Monitoring Group received information that the Interim Juba Administration had imported 3,000 light weapons, 30 heavy weapons and military uniforms and communication equipment. Annex 6.8 provides photographs of the vehicles transformed into "technicals".

IV. Obstruction of humanitarian assistance[71]

91. The environment within which humanitarian assistance was distributed and accessed during the past year was characterized by proliferating humanitarian interventions and actors across a greater physical territory, against a backdrop of oscillating centres of power, deepening political divides, new cycles of conflict and

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[70] Paragraph 11 (a) of resolution 2111 (2013) states that the arms embargo on Somalia shall not apply to "supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and subregional organizations intended solely for the purposes of helping develop Somali security sector institutions, in the absence of a negative decision by the Committee within five working days of receiving a notification of any such assistance from the supplying State, international, regional or subregional organization".

[71] In paragraph 8 (c) of resolution 1844 (2008), the Security Council prohibited acts that obstructed the delivery of humanitarian assistance to Somalia or access to, or distribution of, humanitarian assistance in Somalia. The Monitoring Group interprets the provision to include the diversion of assistance away from its intended beneficiaries, whether to the advantage of an armed group or simply for the purpose of profit.

rising insecurity. Although new opportunities for access emerged, the complexity of factors that had to be negotiated sometimes overwhelmed humanitarian effectiveness.[72]

A. Denial of access and attacks on aid workers[73]

92. At the beginning of 2013, it appeared that humanitarian access would increase in southern and central Somalia with the expanding authority of the Federal Government. By August 2014, physical access was possible across a larger territory, with the United Nations and non-governmental organizations establishing a presence in new locations. The quality and sustainability of that access had, however, degraded in many places.[74] This was due to a combination of intensified conflict, increased displacement and deteriorating security, in particular exacerbated by the joint army and AMISOM offensive against Al-Shabaab. In urban centres recovered as a result of the offensive, government control continued to be limited to a confined area, with supply lines greatly vulnerable to attack. Access for both humanitarian and commercial actors was seriously compromised. The provision of assistance to rural areas remained particularly difficult.

93. Al-Shabaab was the entity that most consistently, and often violently, denied access to humanitarian assistance for people in areas under its control and where it could block the movement of people and goods into areas under government influence. The multiplication of State structures at the federal, regional and local levels, which accompanied the opening of new spaces for humanitarian operations, also created opportunities for more officials to seek to leverage resources to consolidate power. At the same time, the new structures also provided the humanitarian community with, at times, more predictable ways to negotiate those obstructions.

94. With new conflicts over resources and a scramble for power over weak State structures, humanitarian organizations often found it impossible to operate owing to growing insecurity, including as a result of the absence of clear authority over areas of operation. Providing critical humanitarian inputs with fluid shifts in territorial control required perpetual renegotiation. Against that complex backdrop, and coupled with intensified cycles of conflict, security measures that were intended to facilitate access sometimes served to obstruct it. In particular, the army and AMISOM offensive and Al-Shabaab's counter-attacks in March 2014 created displacement, disrupted planting and harvesting and choked supply lines. Combined with environmental factors, this led to the declaration of a food security alert in July 2014.[75] Furthermore, as a result of a shift in donor funding priorities, there was

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[72] The Monitoring Group accorded priority to safety in its investigative strategies and was requested to maintain confidentiality by most individuals in the humanitarian community who provided information.

[73] Denial of humanitarian access entails blocking the free passage or timely delivery of humanitarian assistance to persons in need, in addition to deliberate attacks on humanitarian workers.

[74] Quantifying access is a complex task, given that there are often too many variables to make clear determinations. The Office for the Coordination of Humanitarian Affairs has not produced an access map since September 2013. See www.unocha.org/somalia/maps-graphics/humanitarian-access-maps.

[75] See http://reliefweb.int/report/somalia/early-warning-alert-food-security-worsens-drought-looms-somalia-emergency-unfolding.

often insufficient support available for critical humanitarian needs, in particular medical services, exacerbated by the withdrawal of Médecins sans frontières from Somalia in August 2013.[76]

95. In this context of growing political instability, insecurity and armed conflict, threats to (although not necessarily attacks on) humanitarian workers and resources, whether as the object of ideological and military actions or perceived as assets to be captured, intensified.[77] They came from various sources, including Al-Shabaab and other parties to the conflicts in Somalia, official representatives of regional authorities or emerging states and private and criminal interests.

96. A deadly attack on the United Nations common compound in Mogadishu on 19 June 2013 illustrated both the intent and capability of Al-Shabaab to attack the United Nations presence as a whole, including its humanitarian component. In mid-January 2014, Al-Shabaab issued a statement in which it indicated that humanitarian activities broadly (and not just United Nations agencies, which it had clearly demonstrated both capability and willingness to attack) were legitimate targets for its operations.[78] Threats against, and arrests of, humanitarian staff in areas held by Al-Shabaab increased, in particular in the lead-up to the army and AMISOM offensive against the group.

97. The offensive against Al-Shabaab, the group's use of guerrilla tactics and renewed inter-clan, resource-driven and power-driven conflicts all contributed to creating a generally insecure and uncertain environment for humanitarian workers in Somalia.

98. See annex 7.1 for an overview of denial of humanitarian access in Somalia.

99. See strictly confidential annex 7.2 for information on selected practices constituting humanitarian obstruction in Puntland.

100. See strictly confidential annex 7.3 for information on the operation of the Special Protection Units in Somaliland and Puntland.

101. See strictly confidential annex 7.4 for information on the temporary seizure of humanitarian supplies by the Ethiopian National Defence Forces.

102. See annex 7.5 for an overview of attacks on humanitarian aid workers in Somalia.

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[76] See, for example, the presentation by the United Nations health cluster coordinator on the effects of the pull-out of Médecins sans frontières on the health situation in Somalia, 26 August 2013 (on file with the Monitoring Group).

[77] An analysis of security incidents in relation to the operations of non-governmental organizations, for example, shows that, although the incidents of arrest and detention of non-governmental organization staff members increased in 2014, the number of attacks on such organizations that resulted in fatalities fell. In 2013, there were 10 incidents in which non-governmental organization staff were killed. By mid-July 2014, however, only three such incidents had occurred. See www.acleddata.com/data/realtime-data-2014/.

[78] Although elements of the language suggested a shift in focus, the preoccupation was once again with entities perceived as partisan.

B. Diversion and misappropriation of humanitarian assistance

103. The business of humanitarian assistance, both legitimate and illegitimate, has been a core element of the Somali economy for decades. The division of those resources has included an accepted, and indeed expected, sharing, in a chain of distribution from donor to transporter to controlling authority to local interlocutor. It can involve multiple official and unofficial actors, both Somali and international.

104. When viewed against the high input points of the 2011-2012 famine response period, the total amount of humanitarian assistance available for distribution has declined. Only 28 per cent of the 2014 consolidated appeal process request, for example, had been funded by June 2014.[79] The announcement of the "New Deal" in late 2013 spurred efforts to create and control new sites for resource capture and had a knock-on effect on the humanitarian context. Enhanced investigations into humanitarian diversion and its impact, including by the Monitoring Group, compelled United Nations entities, non-governmental organizations and donors to increase their due diligence and monitoring and develop new risk management tools (see S/2013/413, annex 7.2). Those efforts bore fruit during the past year in terms of acknowledgement of the challenges, willingness to identify fraud and diversion and greater coordination between humanitarian actors. Responses to the findings, however, involved a delicate balancing of factors for agencies, especially owing to the fragility of the environment, the extent of humanitarian need and the overall reduction in the funding available.

105. Even as the new tools and political will to tackle aid theft began to be felt on the ground, however, the realities of uneven quality of access, ongoing insecurity and fluidity of authority, coupled with persistent remote management practices, saw continued diversion of humanitarian assistance. The Monitoring Group received information on a range of allegations relating to misappropriation of resources throughout the delivery supply chain. Credible and consistent information was received relating to the diversion and misappropriation of humanitarian resources by State actors (including the security forces), non-State armed actors (including Al-Shabaab), staff of humanitarian agencies, private contractors and criminal entities. In addition to direct theft and looting of inputs, the methods employed were increasingly sophisticated, in some instances involving specialized fraudulent document production.

106. See strictly confidential annex 7.6 for information on the diversion and misappropriation of humanitarian assistance.

107. See annex 7.7 for information on measures to enhance compliance in the context of diversion and misappropriation of humanitarian assistance.

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[79] See http://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Humanitarian%20Snapshot%20-%20June%202014.pdf.

V. Violations of international humanitarian law[80]

108. Growing insecurity and new cycles of conflict created an environment within which violations of applicable international law involving the targeting of civilians, in addition to violations of the prohibition on recruitment and use of children, were committed throughout the country, but especially in southern and central Somalia.[81] Those responsible involved members of all parties to the conflicts, including Al-Shabaab and its affiliates, AMISOM and its strategic partners, the national armed forces, the security forces of regional administrations and their allies, armed actors associated with the various regional, subregional and local administrations and clan militias. Minority communities and vulnerable groups, such as internally displaced persons, children, young men and women and girls, were more likely to be exposed to violations.

A. Targeting of civilians

109. There is no comprehensive civilian casualty tracking or recording system in place in Somalia. In an analysis prepared for the Monitoring Group, the Armed Conflict Location and Event Data Project found that, while the level of violence against civilians had remained "relatively stable" between June 2013 and June 2014, the overall intensity (the number of reported fatalities associated with each incident) had increased.[82] Between January and June 2014, for example, 3,341 weapons-related injuries were treated at eight hospitals in Mogadishu, Kismayo, Baidoa and Mudug.[83]

110. The context in which civilians were targeted for attack was complex. The nature of the violence in instances in which serious violations of international law were committed was often not simple to categorize. In the past year, the principal armed conflict was that waged against Al-Shabaab by the army, its national allies and AMISOM and its strategic partners. In addition, in Sool and eastern Sanaag, there were encounters between the Puntland and Somaliland security forces, including their proxies, and militias associated with the self-declared Khatumo State. Those conflicts were, however, interwoven with and instrumentalized by other conflicts and campaigns of violence. Throughout Somalia, the use of armed violence for control of land, business interests and other resources was intertwined with increased political and inter-clan conflict, all unfolding against a backdrop of consistently weak and co-opted State security and justice structures.

111. The central State apparatus was unable to exercise effective control over the use of armed force. Clans and political and business figures maintained their own armed militias. In areas in which Al-Shabaab was not in territorial control, it continued to operate, with attacks on civilians often increasing after the Federal

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[80] In paragraphs 1 (d) and (e) of resolution 2002 (2011), the Security Council prohibited acts that violated applicable international law, including the use of child soldiers, attacks on civilians, sexual and gender-based violence and abduction and forced displacement.

[81] Somalia had the highest level of conflict events in Africa in 2013, with an increase of more than 50 per cent in 2013 compared with 2012. See www.acleddata.com/wp content/uploads/2014/01/ACLED-Conflict-Trends-Report-No-22-January-2014.pdf.

[82] Armed Conflict Location and Event Data Project, conflict analysis of Somalia, August 2014 (unpublished).

[83] E-mail correspondence with a World Health Organization staff member, 18 July 2014.

Government had assumed control over one place or another. Territorial gains by the Federal Government rarely translated into increased capacity of the State to protect its civilians from attack.

112. Weak central command and control of army forces and assets compounded the situation. Members of the security forces often wielded the materials and authority of the State to pursue private interests, in the course of which they committed attacks on civilians. With arms and uniforms widely available, parties to the conflicts and other actors using armed violence to exert power exploited the confusion. Opportunistic allegations that Al-Shabaab or the security forces were involved in a particular situation, for example, were used to legitimize the use of force or attribute responsibility for violations. Al-Shabaab leveraged that opacity, co-opting the grievances of those violently excluded from centres of power to fuel further violence and chaos and undermine the fledgling State. An analysis conducted by the Armed Conflict Location and Event Data Project, for example, attributed to unidentified armed groups the highest proportion of violence against civilian events and reported fatalities between June 2013 and June 2014.[83]

113. Principles and institutions of Somali customary law (*Xeer*), which traditionally regulated the conduct of hostilities, came under further strain as a result of the complexity of the conflict.[84] Al-Shabaab's ideology and objectives, for example, allowed for means and methods of warfare contrary to both Somali and international law. Violation of basic principles, in particular the rules of distinction and proportionality, was sometimes a deliberate tactic, designed to spread terror and undermine the enemy. Neither the lives of its own fighters nor the civilians to be harmed were considerations in the planning and execution of attacks.[85] This was particularly true where Al-Shabaab engaged in operations outside Somalia (see annex 2). Al-Shabaab's choice of tactics also often created a context in which adherence to international humanitarian law was made harder for its adversaries, adding to the civilian toll. Arbitrary detention, torture and degrading treatment and violations of fundamental guarantees relating to the right to a fair trial, including in the context of the imposition of the death penalty, were among the violations committed by both "sides".

114. Violations of international law were also committed outside the specific context of the conflict with Al-Shabaab. Since the beginning of 2013, there has been a resurgence of inter-clan fighting over access to land and other business resources in which the army and its assets have been implicated. Some of the most intense engagements involving the targeting of civilians took place in Lower Shabelle, Middle Shabelle and the Hiraan region. The implications of the particular form that those inter-clan conflicts have taken, with the power of the State deployed in

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[84] The customary system traditionally mitigated and regulated the conduct of clan hostilities and the treatment of immune groups, providing, for example, that some categories of people should be "spared from the spear". It also prohibits the use of some means and methods of warfare and attacks on particular resources, such as wells and residential property. See Omar Abdulle Alasow, *Violations of the Rules Applicable in Non-International Armed Conflicts and Their Possible Causes: the Case of Somalia* (Leiden, Martinus Nijhoff Publishers, 2010).

[85] In 2013, for example, the United Nations verified that 47 children had been killed and 67 injured by Al-Shabaab (see A/68/878-S/2014/339, para. 118).

support of one side, presented a serious challenge not only to the protection of civilians, but also to State-building and peace and security more broadly.[86]

115. See annex 8.1 for an overview of targeting of civilians in Somalia.

116. See strictly confidential annex 8.2 for information on the targeting of civilians in villages around Jowhar, Middle Shabelle, and in Taleex, Sool, in November 2013.

B. Sexual and gender-based violence

117. Sexual and gender-based violence is widespread in Somalia. Between January and July 2014, for example, 2,703 cases were dealt with service providers: 529 cases of rape; 226 cases of sexual assault; 1,518 cases of physical violence; 95 cases of forced marriage; 234 cases of denial of resources, opportunities or services; and 101 cases of psychological emotional abuse.[87] Owing to the continuing armed conflict, exacerbated by social and cultural factors, women and children from minority groups and vulnerable communities, such as internally displaced persons and urban poor and conflict-affected populations, were more likely to be victims of sexual and gender-based violence. The scale of female genital mutilation in Somalia heightened the suffering of women and complicated treatment of sexual and gender-based violence.[88]

118. "Armed actor" was the perpetrator designation attributed to the greatest number of reported cases of sexual and gender-based violence in southern and central Somalia. Increased military activity, both as a result of the army and AMISOM offensive against Al-Shabaab and intensified inter-clan conflict, exposed women and girls to a greater risk of attack.[89] Al-Shabaab forces also committed sexual and gender-based violence, including in the context of forced marriage. Amid the proliferation and intertwinement of armed actors, a major challenge was the identification of perpetrators, especially because the availability of arms and uniforms rendered distinction between forces difficult.

119. The Monitoring Group received a range of credible allegations of sexual and gender-based violence, including sexual exploitation and abuse by AMISOM personnel. Although the Mission took steps towards more effective prevention and training, it remained challenging to enforce the law and AMISOM policy, as well as ensure accountability and redress for violations.

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[86] These conflicts occurred primarily between Hawiye/Habar Gidir and Dir/Biimaal clans in Lower Shabelle, between Hawiye/Abgaal and Jareer/Shiidle clans in Middle Shabelle and between Hawiye/Hawadle and Dir/Surre clans in the Hiraan region. The national army is composed primarily of members of Hawiye clans.

[87] Information provided by a United Nations agency on 22 August 2014. It should be noted that the figures reflect cases reported to service providers and not the scale of sexual and gender-based violence in Somalia as a whole.

[88] Telephone interview with a staff member of a humanitarian international non-governmental organization on 20 March 2014. More than 98 per cent of girls between 7 and 12 years of age are subjected to some form of female genital mutilation (see www.unicef.org/somalia/cpp_133.html).

[89] Interview with a staff member of a humanitarian international non-governmental organization in Nairobi on 12 February 2014; interview with a United Nations staff member in Nairobi on 2 December 2013.

120. At the national level, remedies for sexual and gender-based violence were extremely difficult to pursue, not only owing to significant obstacles in the legal framework and the interaction of customary and sharia law, but also as a result of the social, cultural and political climate, involving resort to clan protection or dispute resolution, rather than prosecution. The culture of denial that persisted, in particular where State actors or those close to them were accused of sexual and gender-based violence, was reflected in the handling of two high-profile rape cases in 2013, where the alleged victims and those who reported on the incidents or supported the victims were themselves convicted of offences. Nevertheless, the Federal Government announced a range of significant new initiatives to combat sexual violence, including through the creation of sector-specific government action plans and the development of a sexual offences bill. The steps were positive, but implementation will be critical.

121. See annex 8.3 for an overview of sexual and gender-based violence in Somalia.

122. See strictly confidential annex 8.4 for information on sexual and gender-based violence involving AMISOM personnel.

C. Recruitment and use of children in armed conflict

123. All armed actors continue to recruit and use children in military operations. Al-Shabaab has been the most flagrant violator of the prohibition on using children in armed conflict. In 2013, the United Nations documented and verified 908 incidents of recruitment and use of children by Al-Shabaab (A/68/878-S/2014/339, para. 116). Association with Al-Shabaab also left children more vulnerable to other violations of international law, including in the context of arrest and detention operations by State security forces.

124. Although the army expanded its efforts to vet personnel, its recruitment and use of children in armed conflict continued, in particular at the district level and in the context of checkpoint operations and other support functions. Children were also recruited and used by army-allied militias (see A/68/878-S/2014/339). In June 2014, the Secretary-General added Ahlu Sunna wal Jama'a to his listing of Al-Shabaab and the national army as parties that recruited and used children during 2013 (ibid., annex I). In addition, Ras Kamboni forces and other clan and freelance/business militias also deployed children in their ranks. The escalation of inter-clan conflict saw incidents of recruitment of children rise, including in Lower Shabelle, Middle Shabelle and parts of Sool and Sanaag.

125. The Monitoring Group received reports of recruitment of children in support of armed actors in Somalia from both inside and outside the country. Efforts to reduce the number of children associated with armed groups were strengthened by government endorsement in February 2014 of a standard operating procedure for the reception and handover of children separated from armed groups. In June 2014, AMISOM adopted its own standard operating procedure for the handling of all persons detained by the Mission, further clarifying the procedures and principles by which, among other things, children can be lawfully detained and subsequently cared for by the appropriate authorities.

126. See annex 8.5 for an overview of the recruitment and use of children in armed conflict in Somalia.

D. Forced displacement

127. The Somali population continues to suffer from one of the world's largest and most protracted crises of forced displacement. As at January 2014, there were 1,157,210 officially registered refugees and asylum seekers outside Somalia, with more than 1,133,000 individuals, primarily those from minority communities, internally displaced.[90]

128. Owing to security gains in some areas, small-scale returns, both internally and from abroad, were recorded in 2013 and were expected to increase in 2014.[91] Since the end of 2013, however, the joint army and AMISOM offensive against Al-Shabaab, coupled with new cycles of clan, resource and political conflicts, has caused significant additional displacement (see also annexes 3.1 and 3.2).[92] Populations have been variously forcibly confined, forced to flee and subject to siege as a tactic of war. The displacement of the civilian population has itself been an objective of armed attacks in some cases. Forced evictions in Mogadishu have exacerbated the protection and humanitarian situation of tens of thousands of Somalis, many already internally displaced. Natural disasters such as flooding and cyclones have added to the suffering of vulnerable communities and caused mixed movements of population.

129. The increasing pressure on Somali refugees and migrants to return to Somalia was demonstrated by two major security and removal operations conducted in 2014 in Kenya and Saudi Arabia. The circumstances in which the operations unfolded resulted in instances of *refoulement* and, in some cases, additional internal displacement of returnees.

130. Victims of forced displacement and confinement were more likely to be exposed to various other violations of international law, including attacks on civilians, sexual and gender-based violence, forced recruitment and denial of access to humanitarian aid. At the beginning of July 2014, for example, the United Nations Resident and Humanitarian Coordinator for Somalia announced, with regard to 350,000 internally displaced persons in Mogadishu, that "acute malnutrition rates and mortality levels ha[d] already surpassed emergency thresholds".[93] In March

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[90] See www.unhcr.org/pages/49e483ad6.html. Somali asylum applications in fact rose by 23 per cent in 44 industrialized States in 2013, with 23,071 new applications recorded (see UNHCR asylum trends 2013, March 2014).

[91] In 2013, the Office of the United Nations High Commissioner for Refugees (UNHCR) reported that it had assisted 10,909 individuals to return home, primarily to Lower Shabelle and Middle Shabelle. See Returns Consortium, Joint Return Plan, Version February 2014, on file with the Monitoring Group.

[92] Between 1 July 2013 and 30 June 2014, the UNHCR population movement trend analysis recorded the movement of 148,000 people, with the largest movement recorded in March 2014 (32,000 people) as the national army and AMISOM offensive against Al-Shabaab was under way. It is important to note that the figures reflect population trends, however, and not cumulative data as such. See http://data.unhcr.org/horn-of-africa/country.php?id=197.

[93] See http://reliefweb.int/report/somalia/drought-conditions-set-worsen-somalia-food-crisis-statement-philippe-lazzarini.

2014, it was announced that a draft policy framework on displacement within Somalia had been developed, but the framework has yet to be formally adopted.

131. See annex 8.6 for an overview of forced displacement in Somalia.

VI. Violations of the ban on charcoal[94]

132. During its mandate, the Monitoring Group has continued to document the loading and export of charcoal from the Al-Shabaab-controlled port of Barawe and from the port of Kismayo, which were both profiled in depth in the Group's previous report (S/2013/413, annex 9). In mapping the supply chain of the international charcoal trade, the Group has identified exporters and importers further to its findings during previous mandates (see S/2011/433 and S/2012/544), but has also expanded the focus of its investigations to identify the role of middlemen, wholesalers, transporters and those involved in falsifying shipping documents to facilitate imports of Somali charcoal as though they had originated from locations other than Somalia. Emerging from the investigations of the Group is a complex picture of collusion and collaboration by traders, transporters, brokers, wholesalers and individuals involved in manufacturing false paperwork in order to facilitate systematic violations of resolution 2036 (2012).

133. On 7 May 2014, the Committee issued implementation assistance notice No. 1, which contained recommendations on interdiction of charcoal from Somalia by Member States pursuant to Security Council resolutions 2036 (2012), 2060 (2012) and 2111 (2013). It was intended to help Member States to implement the ban on Somali charcoal and as a disincentive for the trade. In reference to the notice, the National Security Adviser to the President of Somalia, Abdirahman Sheikh Issa, sent a letter to the Committee dated 9 June 2014 indicating the measures being taken by the Federal Government to implement the ban in coordination with AMISOM, the Jubaland authorities and the States members of the Gulf Cooperation Council. To date, however, the Monitoring Group has found that the scale of the international trade in Somali charcoal is largely consistent with its previous findings (see S/2013/413) and the transnational business architecture for the trade remains in place and continues to adapt to ensure large-scale profit. Meanwhile, Al-Shabaab continues to benefit from revenue generated, on a scale greater than when it controlled Kismayo, at charcoal production sites, from checkpoints along trucking routes and from exports, in particular at Kismayo and Barawe, all of which to date have been uninterrupted by the military offensive against the group (see annex 9.1).

A. Methodology of investigations

134. The Monitoring Group has developed sources in Kismayo and Barawe with advance knowledge of loading schedules in Somalia and offloading schedules in destination ports, in addition to detailed shipping data. The Group has also received partial information from some vessel owners who have chartered their vessels to those involved in the shipping of charcoal from Somali ports. The Group has

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[94] In paragraphs 22 and 23 of resolution 2036 (2012), the Security Council prohibited the export and direct or indirect import of charcoal from Somalia and considered the engagement in such commerce as a threat to the peace, security or stability of Somalia. The Council further reiterated the ban on Somali charcoal in resolutions 2060 (2012) and 2111 (2013).

complemented this flow of information with photographic evidence of vessels offloading in some destination ports, with corroborating shipping documentation and site visits to charcoal warehouses in the United Arab Emirates, where Somali charcoal has been delivered. In addition, information has been obtained from international naval officials involved in tracking some vessels transporting charcoal. While the breadth and diversity of the Group's sources have enabled it to keep track of violations of resolution 2036 (2012), poor cooperation from States members of the Gulf Cooperation Council, notably in terms of a lack of response to requests for customs documentation, outlined further below, has hampered the Group's investigations, especially in terms of identifying consignees. The Group has also experienced obstruction from the owners of vessels involved in charcoal trading, many of whom have confirmed that their vessels have exported charcoal from Somalia, but refused to share sufficient information to identify the brokers and agents who paid to charter those vessels and are acting on behalf of the charter parties and consignees.

B. Charcoal production, transportation and stockpiling

135. The Monitoring Group previously reported that in addition to the main charcoal-producing areas to the north of Kismayo, such as Jilib and Jamaame, by January 2013 charcoal production had dramatically increased in Badhaade to the south in an area spanning the Kenyan border (S/2013/413, annex 9.2). In 2013 and 2014, the production pattern continued to evolve, with decreases in some areas and increases in others, including those controlled by Al-Shabaab and the Interim Juba Administration backed by the Ras Kamboni brigade and the Kenyan Defence Forces contingent of AMISOM. The changes are due in part to shifts in areas of control and competition over the sharing of profits within the overall business. Generally, the production of new charcoal has not decreased in the past year and the export of newly produced charcoal continues, driven by interests along the entire supply chain.

136. In addition, traders transporting charcoal along supply routes have adapted to more systematic checkpoints and taxation practices by Al-Shabaab and the Interim Juba Administration, reinforcing a seamless commercial network spanning production sites and export points, often pre-financed by overseas investors and dealers. The Monitoring Group previously found that between 2012 and 2013 the large stockpiles of charcoal at Kismayo, Barawe to the north and smaller ports to the south had either remained static or significantly increased as a result of the scale of production, while the overwhelming majority of exports did not reduce the stockpiles but consisted of newly produced charcoal (see S/2013/413, annex 9). In 2013 and 2014, the Group found that at some times of high-volume export the stockpiles at Kismayo and Barawe were reduced, but then replenished from new production.

137. In its assessment of charcoal production sites, the trade-supply pipeline and stockpiles, the Monitoring Group has combined information from ground sources with analysis of satellite imagery to reach its conclusions (see annex 9.1).

C. Charcoal export trends

138. From June 2013 to January 2014, charcoal cargoes were was primarily exported from both Barawe and Kismayo. After January 2014, shipments originated mainly from Kismayo. The Monitoring Group has received aerial photography

showing charcoal stockpiles in Barawe as nearly depleted by February 2014 (see also annex 9.1.b).[95] Somali businessmen operating in Kismayo and States members of the Gulf Cooperation Council have provided information to the Group that, in January 2014, Al-Shabaab and associated charcoal dealers decided to route most charcoal supplies through Kismayo, where port operations are supervised by the Ras Kamboni militia and the Kenyan Defence Forces (S/2013/413, annex 9).[96] The purpose of the shift was to disguise the operations of those traders working most closely with Al-Shabaab in Barawe. One charcoal trader who has regularly shipped from Barawe in the past explained to the Group that Al-Shabaab had slowed down exports from that port following leaks of information by charcoal traders concerning Al-Shabaab activity nearby.[97] Consequently, further to the Group's previous report (S/2013/413, annex 9.1), there still appears to be movement of charcoal trucks from Barawe and nearby production areas to Kismayo, regular coordination between the two ports and a charcoal business architecture involving traders in both locations.

139. The Monitoring Group counted 161 vessels exporting charcoal from Barawe and Kismayo between June 2013 and May 2014. Of those, 142 were identified as wooden dhows that generally carry cargoes of between 10,000 and 65,000 bags of charcoal, depending on the size of the vessel.[98] The Group has observed increased reliance by traders on dhows during its mandate. The Group understands from its sources in the shipping industry in Somalia that this is because charcoal traders have adopted a new strategy to break up charcoal shipments into smaller amounts conveyed by less-conspicuous vessels that do not use sophisticated navigation systems, making them harder for international maritime organizations and naval forces to track.[99] Of the 161 vessels, the remaining 19 that exported charcoal between June 2013 and May 2014 are known to be merchant vessels, which typically carry between 50,000 and 200,000 bags of charcoal per shipment. Of those 19 merchant vessels, 17 carried charcoal from Kismayo, while 2 carried charcoal directly from Barawe.[98]

140. Without knowing the precise volumes of each and every shipment, but working on average figures for the roughly 97 shipments on dhows and merchant vessels where precise data are available, the Monitoring Group can provide a conservative estimate that, at the very least, 6.57 million bags of charcoal were exported from Kismayo and Barawe between June 2013 and May 2014, with dhows accounting for 5.10 million bags exported and merchant vessels for 1.47 million. On the basis of known shipments, exports can be calculated at roughly 600,000 bags of charcoal per month, and possibly as much as double that volume given that the Group is likely not to have identified as much as 50 per cent of additional

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[95] Confidential photograph provided by a military intelligence source archived with the United Nations and corroborated by satellite imagery provided by Somalia Water and Land Information Management in annex 9.1.b, which also shows replenishment of the Barawe stockpile on a larger scale by July 2014.

[96] Interview with a Somali charcoal dealer in Dubai on 1 June 2014, interview with a Somali businessman based in Kismayo and Barawe on 16 October 2013 and interview with a Somali broker involved in the charcoal trade in Dubai on 30 May 2014.

[97] Interview with a Somali charcoal dealer in Dubai on 1 June 2014.

[98] Calculations based on the Monitoring Group's own real-time information on vessel loadings and corroborated and supplemented by shipping data collected by sources in Barawe and Kismayo.

[99] Numerous Somali businessmen, including those involved in the charcoal trade, have confirmed this over the course of the Monitoring Group's mandate.

shipments.[100] The scale of exports is therefore likely to be in keeping with the monthly exports documented by the Group from mid-2012 to mid-2013. Consequently, the total international market value of charcoal exported in 2013 and 2014 can be estimated as upwards of $250 million[101] and could be much more, given that the Group may not have identified all shipments.

141. The Monitoring Group has received information on the identity of the exporters connected to 78 of the 161 shipments. Of those 78, 26, or some 33 per cent, were shipped in the name of Hassan Mohamed Yusuf ("Awlibaax") and Ali Ahmed Naaji.[102] This is essentially the same percentage as reported by the Group in its previous report.

142. Both Yusuf and Naaji were named in the Monitoring Group's previous report (S/2013/413, annex 9.2) for having ties to Al-Shabaab. The former is from the Darod-Marehan clan and chairs the Juba Business Committee, a coalition of charcoal traders (see S/2013/413, annex 9.1.a). He is known to have commercial and political links to Al-Shabaab and acts as a business representative for Al-Shabaab in Kismayo. In addition, he has often shipped charcoal to Saleh Da'ud Abdulla, a Gulf-Cooperation-Council-based Somali businessman whose ideological affiliation with Al-Shabaab and involvement in the charcoal trade has been identified by the Group in previous reports (S/2011/433, S/2012/544 and S/2013/413). Ali Ahmed Naaji, from the minority Arabta/Mahamuud/Salah clan,[103] is known to be a tax collector and zakat financier for Al-Shabaab in Kismayo and Barawe.[104] The Group has obtained further testimony on the Al-Shabaab links of Naaji and has identified a business based in the United Arab Emirates and a number of financial transactions linked to him (see annex 9.2). Other principal exporters from Kismayo include Aden Farah Hassan (Darod-Mejerteen clan), Jama "Dhuxul" (Darod-Mejerteen), Mukhtar Sheikh (Sheikhaal) and Said Ahmed.[102]

143. The Monitoring Group has obtained information that, while businessmen linked to Al-Shabaab such as Hassan Mohamed Yusuf and Ali Ahmed Naaji continue to trade in charcoal freely, charcoal proceeds have also helped to finance the purchase of military vehicles by Ras Kamboni, the clan-based militia force that has exercised independent control of Kismayo port since the withdrawal of Al-Shabaab in September 2012 and has since not integrated its forces into the national army. The

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[100] The Monitoring Group is aware that some of the vessels that it has been tracking have undertaken multiple voyages to Somalia to collect charcoal. Estimates of multiple journeys are based on information collected from the owners of a number of vessels, who have provided information on the actual number of return journeys completed by vessels that the Group has documented as having exported at least once from Somalia between 2013 and 2014.

[101] In 2013, the Monitoring Group estimated the overall international market value of the charcoal trade to be between $360 million and $384 million (see S/2013/413, annex 9.2, para. 2). The figure of $250 million does not necessarily represent a decline in the scale or value of the trade, but is an estimate based on the shipments of charcoal that the Group was able to identify in 2013 and 2014, which was a lower percentage of total shipments than the previous year.

[102] Shipping data obtained from Kismayo between June 2013 and May 2014.

[103] The Monitoring Group previously reported that Ali Ahmed Naaji was from another minority clan, the Cawro-maleh (S/2013/412, annex 9.2, para. 11).

[104] Information on Yusuf and Naaji provided by a charcoal dealer in Somalia on 16 October 2013, by a Somali businessman based in Barawe on 16 October 2013 and by two officials in the Interim Juba Administration based in Kismayo on 5 February 2014 and 11 November 2013. The information is also based on interviews generated during the Monitoring Group's previous mandate and reported in its previous report (S/2013/413).

import of the vehicles, in violation of the arms embargo, is an example of how the unchecked scramble for charcoal revenue has contributed to the arming of the environment, which is likely to contribute more to historical clan tensions relating to the control of Kismayo than to efforts to combat Al-Shabaab (see the case study in annex 6.8).

D. Charcoal imports

144. The breadth of its sources has enabled the Monitoring Group to provide relevant Member States and the Committee with real-time information on the loading and transportation of charcoal from Barawe and Kismayo en route to destination ports, primarily in the United Arab Emirates, Oman and Kuwait.

145. In the early part of its mandate, the Monitoring Group provided such real-time information to the authorities of the United Arab Emirates and the Committee, which led to the interdiction by customs authorities of a vessel, the *MV Energy 3*, at Port Rashid in August 2013 with a cargo of 140,000 bags of charcoal.

146. Following the end of the monsoons on the Indian Ocean and the resumption of charcoal shipping in October 2013, however, Somali charcoal traders shifted their exports away from the United Arab Emirates and to the port of Khaşab in the Musandam governorate of Oman. Imports into Oman were, however, still trucked across the border to warehouses in Sharjah, United Arab Emirates. This pattern of imports continued until the Monitoring Group informed the Omani authorities of specific deliveries of vessels from Somalia, whereupon customs officials in Khaşab blocked further imports in December 2013. Traders then began shipping charcoal to the Omani port of Muscat for delivery across the border to warehouses in Sharjah, until the Omani authorities were again alerted by the Group and began blocking imports into Muscat. Following the last-known delivery to Oman in late January 2014, charcoal traders began shifting exports to the Kuwaiti port of Doha and subsequently to Port Rashid in the United Arab Emirates, where deliveries were continuing to arrive when the Group began drafting the present report in June 2014.

147. Specific case studies of deliveries to the United Arab Emirates, Oman and Kuwait are presented in annex 9.2, along with details of the main individuals and entities responsible for imports.

E. Charcoal warehousing

148. The Monitoring Group has identified an important cluster of warehouses in Sharjah and Ajman in the United Arab Emirates that represent the principal warehouses where Somali charcoal is stored after being imported. The Group visited the warehouses near the main cement factory in Sharjah in January 2014, where it observed trucks with Omani license plates arriving with bags of charcoal and offloading them into several warehouses. The deliveries were observed just as the Group had received information regarding specific deliveries of Somali charcoal to Omani ports, after which the cargoes would be trucked across the border to warehouses in Sharjah. The Group visited those same warehouses and another warehouse in Ajman in May 2014, where it observed large volumes of charcoal stacked behind each warehouse. Individuals previously involved in the charcoal trade have explained to the Group that the warehouses are central repositories for

charcoal supplies, which are then distributed by road to other States members of the Gulf Cooperation Council, notably Saudi Arabia.

149. Specific information on the warehouses and their ownership is presented in annex 9.3.

F. Falsified customs documentation

150. The Monitoring Group can demonstrate that a key group of middlemen based in the United Arab Emirates has collaborated with consignees and shipping agents to falsify bills of lading and certificates of origin to present Somali charcoal cargoes to customs authorities in the United Arab Emirates and Kuwait as though they had been sourced primarily from Djibouti or Kenya. The documents were accepted by the Omani customs authorities up until February 2014 and continued to be routinely accepted by customs authorities in Port Rashid, United Arab Emirates, and in ports in Kuwait at the time of drafting of the present report.

151. The Monitoring Group has sent numerous requests to the Governments of the United Arab Emirates, Kuwait and Oman for access to customs documentation submitted by the captains of dozens of vessels that the Group has confirmed as transporting charcoal originating from Somalia. Indeed, the Group has provided the authorities of the United Arab Emirates with the names of 14 vessels that offloaded charcoal in ports in the United Arab Emirates between October 2013 and April 2014 and requested the documentation submitted to the customs authorities by their captains. The Group has also provided details to the United Arab Emirates of four companies, two based in Kenya and two in Djibouti, that have regularly submitted false bills of lading and certificates of origin for Somali charcoal and has requested the customs authorities in the United Arab Emirates to provide all the documents generated by those companies in order to review all the shipments made under their names. The Group has received no response to the requests.

152. The Monitoring Group has submitted the names of 19 vessels to the authorities in Kuwait for verification against their customs databases. In addition, the names of three companies from Djibouti and Kenya were also provided to the Kuwaiti authorities for verification against their customs databases. The Group has received no response or feedback in relation to the requests.

153. In the case of Oman, the Monitoring Group submitted the names of 25 vessels that had either offloaded Somali charcoal or been anchored with Somali charcoal in Omani ports in late 2013 and early 2014. The Omani authorities have provided documentation on only three of the vessels. All have been verified as originating from Somalia. Their bills of lading and certificates of origin, however, claim the cargoes as originating from one of the Djiboutian companies that the Group has flagged to customs authorities in other States members of the Gulf Cooperation Council.

154. More detailed information on the individuals involved in falsifying documentation is available in annex 9.4.

G. Role of transporters

155. Of the 142 dhows referred to above as exporting charcoal from Somalia, at least 84 (some 59 per cent) have been positively identified as flying the Indian flag or owned by Indian nationals.[105] The Monitoring Group travelled to India in May 2014 to meet officials of the Directorate General of Shipping in Mumbai. The meeting was attended by representatives of various sailing federations in India and owners of some of the vessels identified as having carried charcoal between Somalia and the United Arab Emirates, Oman and Kuwait. Following the meeting, the Directorate General forwarded letters to 34 separate companies or individuals who at that stage had been identified[106] as owning 37 vessels that had carried charcoal, or been suspected of carrying charcoal, from Kismayo and Barawe since August 2013. Each letter requested the same information from each of the owners, notably the timings of its loading in Somalia and offloading in destination ports, the volume of charcoal shipped and details of the brokers who paid to charter the vessel and the consignees, in addition to associated documentation. On 18 July 2014, the Permanent Mission of India to the United Nations provided responses from 31 of the 34 owners (of 37 vessels). The owners admitted that 16 of their vessels had indeed loaded charcoal in Somalia. Owners of 14 vessels stated that they had never shipped charcoal from Somalia. The officially registered owners of three vessels said that the vessels had been sold or leased to other transporters. The owners of three vessels did not respond, although one provided information directly to the Group. One transporter also stated that he was not the owner of a vessel that he had previously confirmed directly to the Group as having operated under his control.

156. The Monitoring Group obtained evidence that 6 of the 14 owners who claimed to have never carried charcoal from Somalia had provided false information. Those transporters who have been carrying charcoal insist that they did so under duress. As such, the Group advised the Indian authorities, in an e-mail to the Permanent Mission of India to the United Nations on 31 July 2014, to inform all transporters not to sail to Kismayo or Barawe if they have experienced such duress, lest they risk being willing participants in violations of resolution 2036 (2012).

157. Many of the Indian vessel owners have told the Monitoring Group that, because they charter their vessels to middlemen and brokers, and because the captains of the vessels do not retain bills of lading and certificates of origin (they are simply submitted to customs authorities in destination ports), they are unable to provide details of consignees or documentation relating to the cargo. Some owners, however, have privately informed the Group that they are aware that falsified certificates of origin from Kenya and Djibouti have been carried alongside Somali charcoal on their vessels departing from Kismayo. Some owners have also provided details of the Somali brokers involved in chartering their vessels and paying for the

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[105] Calculations based on information provided by port sources at Kismayo and Barawe, from shipping sources in States members of the Gulf Cooperation Council and directly from owners of vessels. To be conservative in its calculations, the Monitoring Group has not counted vessels for which it has received confirmation from a single source only. Flag identifications are based on shipping data from Kismayo, which registered the flag State for all vessels carrying charcoal, as well as from official lists provided by private sector shipping associations in India.

[106] Identifications were made against the official lists of owners as provided by Indian maritime associations.

charcoal to be transported. The brokers are invariably based in Dubai, United Arab Emirates.

158. Details on transporters who have failed to cooperate with the Monitoring Group's investigations are provided in annex 9.5.

VII. Obstruction of the investigations or work of the Monitoring Group[107]

159. During its mandate, the Monitoring Group has been confronted with efforts to obstruct its work, in particular by means of targeting either the investigations or the credibility and reputation of individual members of the Group.

A. Government of Kenya

160. Pursuant to a letter dated 30 August 2013 from the Principal Secretary of the Ministry of Foreign Affairs and International Trade of Kenya, Karanja Kibicho, addressed to the Director General of the United Nations Office at Nairobi alleging a security threat against a member of the Monitoring Group, the expert in question, Babatunde Taiwo, was temporarily relocated from his duty station in Nairobi on 12 September 2013. Following a United Nations security assessment that cleared the expert's return to Nairobi and in the light of the mandate of the Monitoring Group under Chapter VII of the Charter of the United Nations, the Under-Secretary-General for Political Affairs and the Acting Head of the Department of Safety and Security informed the Permanent Representative of Kenya to the United Nations, Macharia Kamau, in a letter dated 24 December 2013, of the expert's redeployment to Nairobi. The Permanent Mission responded in a letter dated 30 December 2013 that the Government was not willing to allow the expert entry into Kenya.

161. Following informal consultations on 10 January 2014, the Committee sent a letter dated 14 January 2014 to the Permanent Representative of Kenya stressing the importance that it placed on the expert's immediate return to Nairobi in order to fulfil his duties under the Chapter VII mandate and pursuant to the country's obligations under international law to ensure the safety and security of all United Nations personnel working in Kenya. To date, the Government has not responded to the Committee. Meanwhile, the relocation of the expert significantly interfered with the Group's investigations, especially with regard to Al-Shabaab, at a critical juncture in Somalia.

B. Federal Government of Somalia

162. The responses of the Federal Government to the previous report of the Monitoring Group (S/2013/413, annex 5.2) were prepared by a team comprising the United States law firm of Shulman Rogers, which had been contracted by the Federal Government to recover overseas assets of Somalia, and FTI Consulting, in

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[107] In paragraph 15 (e) of resolution 1907 (2009) and paragraph 3 of resolution 2111 (2013), the Security Council prohibited obstruction of the investigations or work of the Monitoring Group and established such obstruction as a criterion for listing.

coordination with the then Governor of the Central Bank, Abdusalam Omer, and the then Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation, Fawzia Yusuf H. Adam. The Bank's preliminary response to allegations of corruption, dated 23 July 2013, challenged the credibility and professional competence of individual members of the Group. Similarly, the Federal Government's response to annex 5.2 to the report of the Group dated 30 August 2013 again challenged the professional competence of individual members of the Group and recommended that the Security Council should take formal action against the Group, specifically including the removal of its mandate to investigate misappropriation of public finances, a revision of the Group's 2013 report, reconstitution of the full composition of the Group and the issuance of a public admonishment of the Group.

163. In a letter to the Chair of the Committee dated 24 October 2013, the Minister for Foreign Affairs also requested that the Security Council should revise paragraph 25 of resolution 2111 (2013) regarding public financial management and that the Secretary-General should terminate the contract of the Coordinator of the Monitoring Group. Jeremy Schulman of Shulman Rogers originally prepared the letter on 18 September 2013, but the Minister did not transmit it to the Committee. On 21 October 2013, Mr. Schulman insisted to the Office of the President of the Federal Government that the letter should be approved by the President and sent by the Minister to demonstrate that Somalia would not tolerate allegations of corruption. The Committee finally received the letter on 12 November 2013 (S/AC.29/2013/NOTE.89/Add.5) (see strictly confidential annex 5.2). On 17 July 2014, the former Minister issued a press release in which she stated that she had never signed the letter and that her signature had been forged.[108]

VIII. Sanctions list

164. On 24 September 2014, the Committee approved a revised list of individuals and entities subject to the travel ban, assets freeze and targeted arms embargo imposed by the Security Council in paragraphs 1, 3 and 7 of its resolution 1844 (2008). The list now includes 14 individuals and an entity. In addition to one delisting, three individuals have been reported killed, two have surrendered and one has been arrested. Two new individuals were added to the list in September 2014.

165. Accompanied by lobbying efforts on the part of the leaders of the Federal Government and Hawiye clan interests, on 20 September 2013 the Permanent Representative of Djibouti to the United Nations submitted a request to delist Ali Ahmed Nur Jim'ale (S/AC.29/2013/NOTE.102), who had been listed on 17 February 2012 for being ideologically aligned with and providing financial support to Al-Shabaab. On 27 September 2013, two Committee members (the United States and the Russian Federation) placed holds on the delisting request (S/AC.29/2013/NOTE.102/Add.1). Subsequently, on 17 October 2013, the Russian Federation lifted its hold (S/AC.29/2013/NOTE.102/Add.2). On 11 March 2014, the United States lifted its hold (S/AC.29/2014/COMM.23) and the Committee approved the request.

166. On 25 June 2013, Hassan Dahir Aweys, listed on 12 April 2010 as a senior political and ideological leader of various armed opposition groups in Somalia,

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[108] See www.wardheernews.com/press-statement-allegations-un-monitoring-report-group/.

surrendered to the Himan and Heeb authorities in the coastal town of Hobyo and was escorted with his security detail to Adado. He had fled Barawe during a purge of senior members of Al-Shabaab by its leader, Ahmed Godane. Following negotiations with the Federal Government, he was transferred to Mogadishu by air on 29 June 2013. Upon his arrival at Mogadishu airport, where armed tensions had to be calmed, he was placed under house arrest. He remains in Mogadishu, but has since become politically active, releasing a pre-recorded inflammatory speech on 20 May 2014, and remains unrepentant.

167. On 12 September 2013, Omar Hammami (also known as Abu Mansour Al-Amriki), listed on 28 July 2011 as a senior member of Al-Shabaab engaging in acts that threaten the peace, security or stability of Somalia, was killed in an early morning ambush by Amniyat operatives in a village near the town of Dinsoor, south-west of Mogadishu. His death was part of Godane's purge of Al-Shabaab's leadership.

168. On 1 April 2014, Abubaker Shariff Ahmed (also known as Makaburi), listed on 23 August 2012 for providing material support to extremist groups in Kenya and elsewhere in East Africa, was killed in unexplained circumstances in Mombasa, Kenya. The Monitoring Group has recommended to the Committee that he be kept on the sanctions list pending clarity about his assets and given the continuing investigations into Al-Hijra and the activities of his former associates. The Group made a similar recommendation regarding Aboud Rogo Mohammed, who was listed on 25 July 2012 for providing financial, material, logistical or technical support to Al-Shabaab, and who was subsequently killed in unexplained circumstances in Mombasa on 27 August 2012 (see S/2013/413, para. 164).

169. On 2 April 2014, Hassan Mahat Omar, listed on 28 July 2011 for recruiting and soliciting funds for Al-Shabaab, was arrested in Nairobi by the Kenyan security services and charged with possession of explosives.

170. On 7 June 2014, Mohamed Sa'id (also known as Atom), listed on 12 April 2010 for engaging in acts that threaten the peace, security or stability of Somalia, announced that he was leaving Al-Shabaab in an effort to escape Godane's control over the group and surrendered to the Federal Government in Mogadishu.

171. On 23 September 2014, Maalim Salman was added to the list for his involvement with foreign fighters on behalf of Al-Shabaab and his role in operations in Africa targeting tourists, entertainment establishments and churches.

172. On 24 September 2014, Ahmed Dirive was added to hte list following his appointment as the new emir of Al-Shabaab in the wake of Ahmed Godane's death.

173. Pursuant to paragraph 27 of resolution 2111 (2013) and paragraph 13 (g) of resolution 2060 (2012), the Monitoring Group continues to refine and update information on the draft list of those individuals and entities that engage in acts as described in paragraph 1 of resolution 2111 (2013).

IX. State and non-State cooperation with the Monitoring Group

174. The Monitoring Group has received poor cooperation from States members of the Gulf Cooperation Council in respect of its investigations regarding charcoal. The authorities of the United Arab Emirates and Kuwait have not responded to any of

the Group's requests, notably for access to customs documentation for vessels that are known to have offloaded Somali charcoal in their jurisdictions. Both the United Arab Emirates and Kuwaiti authorities have also not responded to any request by the Group for access to false bills of lading and certificates of origin organized by known companies operating in Djibouti, Kenya and the United Arab Emirates. Charcoal imports into the United Arab Emirates and Kuwait have continued without hindrance. The Omani authorities have, however, taken action to block the import of Somali charcoal into ports under its jurisdiction, but have refused to provide customs documentation, except in the case of three vessels for which they provided Djiboutian certificates of origin. The Group received no further information after it was able to demonstrate to the Omani authorities in writing that the three vessels had actually sourced their charcoal from Somalia, not Djibouti.

175. During its previous mandate, the Monitoring Group received encouraging support from the Federal Government, in particular from the President and the then Prime Minister, Abdi Farah Shirdon, although the Group was unable to translate that goodwill into fuller cooperation at the working level. The Group no longer receives such formal support from the Federal Government, notwithstanding its requests for cooperation, especially with regard to investigations into Al-Shabaab and government contracts pertaining to national public assets. In particular, the Group has sought cooperation from the National Intelligence and Security Agency and a commitment from the Federal Government to providing the Group with access to seized weapons and Al-Shabaab prisoners or testimonies of Al-Shabaab detainees. Neither has been forthcoming, repeated requests notwithstanding. Nevertheless, the Group has sought to provide the Federal Government with visibility on the Group's findings and reporting to the Committee regularly throughout its mandate. Despite the willingness of the Group to provide such visibility, it has been plagued by a lack of clarity from the Federal Government regarding with whom the Group should engage, until the identification in July 2014 of a focal point for the purpose of providing visibility on the present report.

176. The Monitoring Group has received poor cooperation from the Somaliland authorities. Following initial high-level contacts with various ministries in Hargeysa at the beginning of its mandate, the Group was unable to develop working relationships with the relevant government agencies. In particular, the Minister of the Interior made himself available only once to the Group, while his focal point remained evasive and claimed that he lacked the authority to provide meaningful information. The Director of Intelligence promised detailed reporting on various issues, notably on the presence of Al-Shabaab in Sool, which was never provided, multiple requests notwithstanding. The Group met representatives of the Somaliland Coast Guard and Counter-Piracy Directorate and requested information on any suspicious activity regarding weapons shipments arriving to Somaliland across the Gulf of Aden. The Group received credible reports of such deliveries to the Somaliland coast throughout its mandate, but received no responses to multiple requests for information from the Coast Guard or the Counter-Piracy Director. The Somaliland authorities also repeatedly stated that they were willing to cooperate with the Group and abide by United Nations resolutions in respect of the proposed creation of an oil protection unit, although the Ministry of the Interior kept the Group aware of the tendering process only after repeated requests by the Group. On 7 June 2014, the President of Somaliland stated on his Twitter account that the Group should "stop meddling in the affairs of Somaliland".

177. The Monitoring Group has received mixed cooperation from the Puntland authorities. In the last 18 months of the Administration of Abdirahman Mohamud Faroole, the Group received regular and open cooperation on a number of issues. Immediately after the election of Abdiweli Mohamed Ali Gaas, the Group received open cooperation from the authorities during visits where a number of top security officials were made available to respond to specific requests. The President's Chief of Staff, Deeq Yusuf, was also in communication regularly via e-mail. Cooperation subsequently declined, however. The Group was confronted with repeated efforts by the Puntland authorities, in particular the President, to obstruct its investigations into Al-Shabaab activities, both within the territory of Puntland and beyond. The President has consistently declined to be formally interviewed and to provide access to senior Puntland officials[109] who are persons of interest in a 2013 Al-Shabaab regional plot.[110] Likewise, with regard to an Al-Shabaab "complex" attack in Bosasso in August 2014, his office declined to provide critical assistance in relation to the perpetrator identified. On the basis of a meeting with a representative of Puntland in August 2014, the Group was informed that its mandate did not extend to requesting information on Al-Shabaab prisoners and details of Al-Shabaab prisoners released.[111]

178. Both the humanitarian community and the Monitoring Group remained justifiably concerned about the implications of cooperation for humanitarian access and the safety of vulnerable communities and humanitarian personnel on the ground. In comparison with the past, however, there was much greater willingness to engage in appropriate information exchange where all sides had carefully weighed the consequences of the form and nature of that cooperation. The Group, for its part, also undertook to improve how it shares its own information and analysis where it can add to the humanitarian community's understanding of the environment or of specific cases. The United Nations Children's Fund particularly enhanced the level of its assistance to the Group, whether in terms of providing expert analysis, suggestions regarding prioritization of issues or advice on approach to third parties. The Group also received a standing invitation to attend meetings of the country task force of the monitoring and reporting mechanism. While sharing of raw data on grave violations against children in armed conflict was not possible for reasons of global policy relating to child protection and data confidentiality, the Group was assisted to engage separately with partners.

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[109] During its mandate, the Monitoring Group sent a series of e-mails to Mr. Abdiweli and his Chief of Staff, Deeq Yusuf, and an official letter in respect of its investigations. On two separate occasions in Addis Ababa, Mr. Abdiweli declined to meet a member of the Group, even though a meeting had been prearranged by the representative of Puntland to Ethiopia.

[110] Owing to the sensitivity of its investigation, the Monitoring Group repeatedly requested to interview Mr. Abdiweli and other persons of interest outside Somalia.

[111] On 15 August 2014, the Monitoring Group met a senior Puntland diplomat, during which time the official was informed via telephone (in the presence of the Group) that the Group had no mandate to have access to sensitive information relating to the arrest and release of Al-Shabaab operatives.

X. Recommendations

A. Threats to peace and security

179. The Monitoring Group recommends:

(a) That the Security Council recommend that Member States from East Africa appoint focal points for the purpose of coordinating and exchanging information with the Monitoring Group on regional investigations into Al-Shabaab;

(b) That the Security Council explicitly require in its next resolution on Somalia that the Federal Government of Somalia, regional authorities, including those of Somaliland and Puntland, and AMISOM share with the Monitoring Group evidence and information on Al-Shabaab's activities in Somalia and the region;

(c) That the Security Council request the Governments of Somaliland and Puntland to provide detailed reporting to the Committee on the activities of Al-Shabaab and the Khatumo State, and on the military activities of Somaliland and Puntland, in the disputed territory of Sool as a basis for mitigating the escalation of political and security tensions through a peaceful mediation process overseen by the United Nations;

(d) That the Security Council consider deciding in a resolution to request a moratorium on all oil licensing until a legal understanding is reached between the regional and federal authorities in respect of ownership of natural resources in Somalia.

B. Piracy

180. The Monitoring Group recommends that the Security Council continue to encourage the Federal Government of Somalia to identify, arrest and prosecute all individuals who, for the past decade, have been involved in organizing and facilitating acts of piracy.

C. Arms embargo violations

181. The Monitoring Group recommends:

(a) That the Security Council, in its next resolution on Somalia, provide international maritime forces with the authority under Chapter VII of the Charter to interdict on the high seas and within the territorial waters of Somalia any vessel suspected of trafficking weapons or components for improvised explosive devices into Somalia;

(b) That the Security Council reinstate a non-objection procedure of the Committee for all imports of weapons into Somalia by the Federal Government, while retaining reporting requirements in existing resolutions, or include in its next resolution pertaining to the arms embargo a clause enabling the Council to impose conditions on the exemption for the Federal Government as may be necessary on an interim basis;

(c) That the Security Council include in its next resolution pertaining to the arms embargo a limit on the number of weapons that can be imported by the Federal Government on an annual basis and a requirement that the number of weapons to be imported should be linked to the specific needs and purposes of the government security forces;

(d) That the Security Council require the national army and AMISOM to thoroughly document and register all military equipment captured on the battlefield or confiscated during disarmament exercises, including recording the type and serial number of the weapon and/or ammunition, photographing all items and relevant markings and facilitating inspection by the Monitoring Group of all military items before their redistribution or destruction;

(e) That the Security Council establish an independent external verification mechanism to conduct routine inspections of government security forces' stockpiles, inventory records and the supply chain of weapons, including from the point of import to the final point of distribution, and provide its findings to the Committee and the Monitoring Group, for the purposes of mitigating the systematic diversion of arms and ammunition from the Federal Government to the illicit markets in Mogadishu.

D. Obstruction of humanitarian assistance

182. The Monitoring Group recommends:

(a) That the Security Council request AMISOM and the humanitarian community to accord priority to the promotion and implementation of the country-specific humanitarian civil-military coordination guidelines for engagement by humanitarian actors with AMISOM, endorsed early in September 2014;

(b) That the Security Council encourage the humanitarian community to continue to enhance cooperation and information sharing to better address allegations of diversion and misappropriation of humanitarian assistance, including between United Nations entities and between United Nations entities and non-governmental organizations, and through more effective collaboration with the Risk Management Unit of the United Nations country team and United Nations investigative bodies;

(c) That the Security Council urge the Federal Government and AMISOM and its strategic partners to account for and take steps to mitigate the impact on civilians of military operations against Al-Shabaab, including creating the security conditions necessary to provide for humanitarian access along supply routes where there is a transfer of territorial control between the parties.

E. Violations of international humanitarian law

183. The Monitoring Group recommends:

(a) That the Security Council call upon Member States to increase their efforts to support the Federal Government of Somalia and the national armed forces to prevent, investigate and prosecute violations of international law, including through continued training and awareness-raising on international humanitarian law, improved mechanisms of command and control, effective personnel identification and payment modalities, reform of the military justice system, development of enhanced investigative capacity and increased contributions to the United Nations Trust Fund for the Somali National Army;

(b) That the Security Council, in the light of the onerous and complex requirements of the United Nations human rights due diligence policy with regard to AMISOM and national army operations, consider an enhanced mandate and other capacity for the UNSOM human rights function, in particular with regard to monitoring compliance and effective risk assessment, including a more visible public human rights reporting requirement, given that that has been an effective tool in other missions;

(c) That the Security Council invite the Office of the United Nations High Commissioner for Human Rights to work with the Federal Government and relevant United Nations agencies to map the most serious violations of applicable international law committed by all parties in Somalia as a necessary precursor to developing options for an appropriate and comprehensive transitional justice strategy;

(d) That the Security Council invite Member States in the region, supported by relevant United Nations agencies, to develop a coordinated regional intervention that would prevent and disrupt efforts to recruit children for participation in armed groups in Somalia, in particular by Al-Shabaab;

(e) That the Security Council encourage Member States to support the Global Initiative on Somali Refugees, led by the Office of the United Nations High Commissioner for Refugees, including assisting Member States in the region and elsewhere to continue to ensure asylum and international protection for Somali refugees, considering that premature and unsafe return can create further displacement and pose additional threats to peace and security;

(f) That the Security Council request and encourage the African Union and AMISOM:

(i) To accelerate the establishment of the Civilian Casualty Tracking Analysis and Response Cell and ensure that the data and analysis generated are integrated into operations;

(ii) To consider the introduction of a centralized complaints mechanism for the efficient and independent receipt, preliminary assessment and tracking of investigations into allegations of sexual and gender-based violence and sexual exploitation and abuse, including institution of protective measures for complainants;

(g) That the Security Council call upon the Federal Government:

(i) To adopt and implement the Policy Framework On Displacement within Somalia;

(ii) To ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict.

F. Violations of the ban on charcoal

184. The Monitoring Group recommends:

(a) That the Security Council, in its next resolution on Somalia, provide international maritime forces with the authority under Chapter VII of the Charter to interdict on the high seas and within the territorial waters of Somalia any vessel suspected of carrying charcoal from Somalia;

(b) That the Security Council request Member States to establish means for the disposal of interdicted charcoal according to the options in implementation assistance notice No. 1 and to identify international assistance that may be required.

G. Sanctions list

185. The Monitoring Group recommends that the Committee proceed without delay to designate for targeted measures:

(a) Al-Hijra leaders in Somalia and members in Kenya, in additions to financiers of Al-Hijra and, in particular, its foreign financiers;

(b) The leadership of the "Mujahideen of the Golis Mountains", or Al-Shabaab North East;

(c) Known pirates and their associates identified by the Monitoring Group or Member States between 2009 and 2014;

(d) Individuals and entities responsible for the misappropriation of public resources, including individuals and entities in the private sector;

(e) Individuals involved in the diversion of weapons from official government stockpiles;

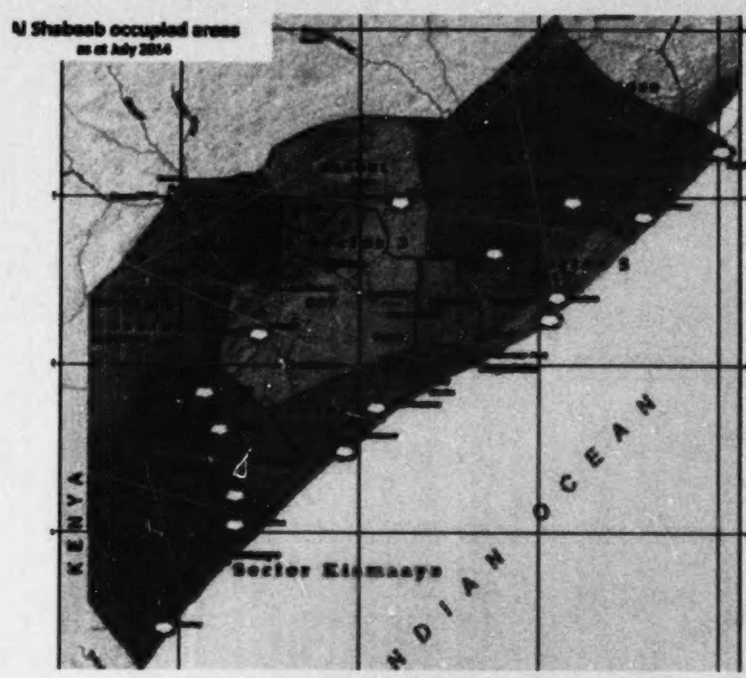
(f) Individuals and entities, including importers, exporters and transporters, involved in the trading of charcoal.

Annex 1

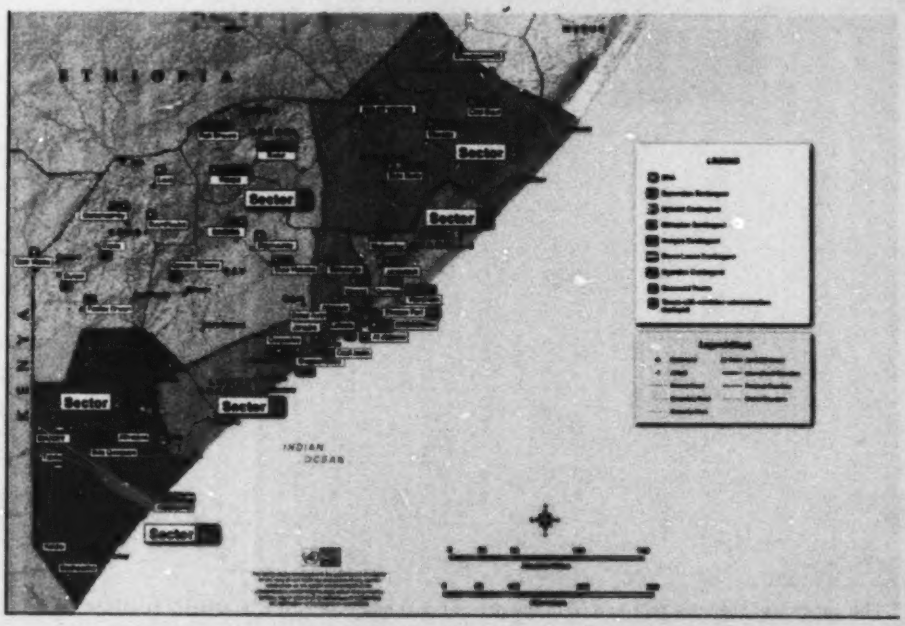
Harakaat al-Shabaab al-Mujaahidiin

Annex 1.1: Al-Shabaab areas of control in South-Central Somalia

Al-Shabaab operational presence as at July 2014


Al Shabaab occupied areas
as at July 2014
KENYA
Sector Kismaayo
INDIAN OCEAN

Areas captured from Al-Shabaab as at July 2014


ETHIOPIA
KENYA
Sector
Sector
Sector
Sector
Sector
Sector
INDIAN OCEAN

Annex 1.2: Photograph of Abdullahi Mohamed Ahmed "Arabey" (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 1.3: Al-Shabaab in Mogadishu: tactics, techniques and procedures

1. Unlike the past when Al-Shabaab's threat was amplified by the weakness of the Somali security forces, the armed group's violent ascendancy in Mogadishu would appear to be increasingly linked to its enhanced operational capacity.[1] This enhanced capacity stems from two tactical decisions. First, Al-Shabaab has maximized its reduced force strength by avoiding direct military engagements with the African Union Mission in Somalia (AMISOM) and Somali National Army (SNA), and chosen to limit its exposure where necessary in Mogadishu. Second, Al-Shabaab has placed greater emphasis on further developing its improvised explosive devices (IED) methods and use of targeted killings "assassinations", which have effectively heightened the atmosphere of fear and intimidation in Mogadishu.[2]

2. Similarly, linked to the current threat environment is Al-Shabaab "security structure" in Mogadishu.[3] Based on preliminary information collected on this structure, the Monitoring Group believes it includes the following senior individuals:[4]

- Chief of Operations for Mogadishu, Abdullahi Ali Sheikh (*Hawiye/Abgaal*);[5]
- Deputy Chief of Operations for Mogadishu, Hassan Ahmed (*Hawiye/Abgaal*);
- Chief Aminyat for Banaadir, Khalif Adale (*Hawiye/Habar Gidir/Ayr*);
- Head of Finance for Mogadishu, Hassan Tabligh (*Hawiye/Sheekal*);
- Chief of Target Selection, Abdulwahab Sheikh Ibrahim;
- Aminyat Facilitator (transportation), Ibrahim Afweyne (*Hawiye/Abgaal*); and
- Aminyat Facilitator (accommodation), Adan Diyeeshe (*Hawiye/Habar Gidir/Saleban*).

IED developments

3. The Monitoring Group has observed a general increase in Al-Shabaab's use of IEDs in Mogadishu in comparison to 2013.[6] Noticeable has been the introduction of

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[1] In its assessment, the Monitoring Group has taken into account Al-Shabaab's increased ability to infiltrate strategic FGS institutions. Over the last 18 months this has become more apparent.

[2] The Monitoring Group has also received credible testimonies, which suggests Al-Shabaab increased its payments to operatives in Mogadishu considerably through the use of Zaad. The method of paying Al-Shabaab operatives via Zaad has also been used in Kenya by Al-Shabaab using MPESA. An example of this was the twin bombings in Nairobi in May 2014 where the two operatives were paid for placing IEDs via MPESA. See also http://www.bbc.com/news/world-africa-27277811.

[3] The Monitoring Group's assessment is that the Al-Shabaab's structure across the South-Central regions remains fluid. It further assesses that Al-Shabaab's structure, in particular in Mogadishu, has changed since the information presented in AMISOM's classified information-sharing meetings.

[4] The Monitoring Group is in its preliminary phase of assessing and collating credible information obtained on the current Al-Shabaab structure in Mogadishu.

[5] The Monitoring Group understands Abdullahi Ali Sheikh reports directly to Bashir Mohamed Mohamud 'Qorgaab' (*Hawiye/Habar Gidir/Saleban*), the head of Al-Shabaab Operations.

[6] Both successful and EOD neutralized.

the magnetic IED as a tactic. The use of magnetic IEDs as a battlefield weapon has also been used in Afghanistan and Iraq, and may represent a transfer of battlefield knowledge to Somalia.[7] An illustration of this tactic is the case when, on 3 May 2014, Abdikafi Hilowle Osman, a former senior Banaadir official was killed following a suspected magnetic IED was attached to his vehicle in the Hodan district of Mogadishu.[8] The deployment of magnetic IEDs in Mogadishu continues to provide Al-Shabaab with a more reliable and low-risk tactic of attacking its targets. This tactic also helps reduce the risks of apprehension of Al-Shabaab operatives by the security forces.

4. Additionally, information received by a credible source with knowledge of Al-Shabaab activities in Mogadishu, suggests the general increased trend in IED use may be due the high number of IED operatives trained by Al-Shabaab.[9] An example of an IED development has reportedly been the cigarette-packed IED, which uses fertilizer.[10]

5. An emerging trend would suggest that Al-Shabaab is placing greater importance on target selection, which would seemingly correlate to the group's enhanced intelligence capabilities in the capital. Unlike during the previous reporting periods, when rank and a file Somali National Armed Forces (SNAF) were considered primary targets, Al-Shabaab is focusing more on former/current senior Government officials and senior security officials.[11] This not only represents a form of intimidation but an effective use of IEDs in targeting senior officials, and also potentially links to another new trend of Al-Shabaab, namely its current modification of VBIEDs (vehicle-borne improvised devices) in "complex" attacks.[12]

6. Between August 2013 and July 2014, the Monitoring Group has documented at least fifteen VBIED attacks in Mogadishu. In some instances these attacks have been "complex" in their approach and effectively directed at "high profile" targets. Noticeable has been the period between February and July 2014, when Al-Shabaab highlighted this potent and effective shift with sustained "complex" attacks using VBIEDs as delivery methods against two "high profile" targets: the Presidential Palace and the Somali Federal Parliament.

7. On 21 February 2014, a group of about 11 Al-Shabaab operatives in three vehicles, including two VBIEDs, breached the Presidential Palace gates by assuming

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[7] E-mail correspondence with Jane's Intelligence Review IED expert, 11 August 2014.

[8] http://somalimemo.net/index.php/maqal/8919-halyeeyoshcali-jabal-03-05-2014mp3-sheekh-cali-jabal-qmujaahidiinta-ayaa-khaarijiyay-cabdi-kaafi-hilowle-xildhibaan-kalane-si-dirqi-ah-buu-ku-fakadayqdhageyso.

[9] Interview with a Somali-based security expert, February 2014.

[10] Credible information indicates fertilizer has been regularly procured and sought after by Al-Shabaab.

[11] The Monitoring Group regrets that during the current mandate, in spite of numerous requests to the National Intelligence and Security Agency (NISA) and AMISOM, it has received no cooperation or assistance in regards to critical information on Al-Shabaab. As a result, the Group has been unable to interview detained Al-Shabaab members and inspect seized weapons from Al-Shabaab or corroborate its statistical information on Al-Shabaab tactics, techniques and procedures (TTPs).

[12] The Monitoring Group notes the use of VBIEDs is not a new tactic but evidence suggests a growing modification in its use.

identities of security officials, a common Al-Shabaab tactic.[13] As soon as they passed the immediate perimeter, the first VBIED detonated, thus creating an entry point into the Presidential Palace. This was then subsequently followed by a detonation of the second VBIED, and finally a PBIED (person-borne improvised device). In the ensuing shoot out in the Presidential Palace, the attackers and a number of officials were killed, including a former deputy Director General of NISA and a Prime Ministerial Aide.[14] Three months later, on 24 May 2014, adopting the same mode of attack, an unknown number of Al-Shabaab operatives launched the first of two "complex" operations against the Somali Federal Parliament with a VBIED.[15]

Infiltration

8. The current modification of the delivery method of VBIEDs in Mogadishu raises two critical issues. First, it calls into question the capacity and willingness of AMISOM and SNAF to protect sensitive Government installations, such as the Presidential Palace and the Somalia Federal Parliament, against Al-Shabaab's "complex" attacks. Second, and more critically, it demonstrates the enhanced level of Al-Shabaab's capacity to infiltrate the FGS.[16]

9. Over the past year, increasing evidence continued to point to a dangerous shift in Al-Shabaab's approach to infiltration.[17] Apart from known infiltration of SNAF,[18] credible information strongly indicates that Al-Shabaab Aminyat have infiltrated the FGS at the highest levels.[19] This includes sensitive Government agencies, such as the National Intelligence and Security Agency (NISA) and various levels within the Presidential Palace.[20]

10. The Monitoring Group has accessed correspondence by two senior international officials, one dated 22 February 2014, and another also dated in early 2014.[21] Their contents depict among other things the level of distrust and fear within the higher echelons of the FGS with regards to Al-Shabaab's infiltration,

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[13] Historically, since 2009, Al-Shabaab has successfully been able to disguise itself as Somali security force officials.

[14] See http://reliefweb.int/report/somalia/somalias-shebab-major-suicide-attack-presidential-palace.

[15] See http://www.reuters.com/article/2014/05/24/us-somalia-blast-idUSBREA4N03B20140524. Al-Shabaab's second "complex" operation against the Somalia Federal Parliament was on 5 July 2014.

[16] See http://www.hiiraan.com/news4/2014/Aug/55854/villa_somalia_attack_facilitator_executed.aspx#sthash.uUpXQr64.dpbs

[17] Monitoring Group interview with a former senior NISA official, February 2014.

[18] Historically, and based on AMISOM MAC statistics, Al-Shabaab has found it relatively easy to infiltrate SNAF.

[19] Monitoring Group interview with a serving senior NISA official, March 2014.

[20] The Monitoring has received multiple testimonies from private individuals, serving senior NISA officials, and FGS officials in relation to Al-Shabaab's infiltration of NISA. In some case a number of senior NISA officials were mentioned repeatedly as being Al-Shabaab sympathizers. While the Monitoring Group assesses most of the testimonies as credible it is unable, however, to corroborate this information. As such, it is unable to reveal names of suspected senior NISA officials who have been linked to Al-Shabaab.

[21] See http://uk.reuters.com/article/2014/04/16/uk-somalia-security-idUKBREA3F0LZ20140416.

especially Al-Shabaab's infiltration of the Presidential Palace.[22] More disturbing is that one correspondence suggests the "MIA" (Mogadishu International Airport), which includes AMISOM and UN bases, has also been infiltrated by Al-Shabaab.[23] As alarming as the above information suggests, the Monitoring Group has not received any corroborating information concerning this potential threat.[24] Nonetheless, it assesses the likelihood of Al-Shabaab currently retaining the capacity to infiltrate both AMISOM and UN camps as increasingly high.[25]

11. On 17 June 2011, Al-Shabaab released a video titled: "AMISOM [redacted].[26] The video captured surveillance inside "MIA" and likely formed part of the covert surveillance conducted for the hybrid attack against AMISOM in September 2009.[27] Analysis of the video, which includes covert filming of AMISOM, Bancroft, and UNSOA (United Nations Support Office for AMISOM) personnel, is revealing of Al-Shabaab's approach to infiltration. First, it demonstrates Al-Shabaab's capacity to recruit and task individuals who would appear to be employees of AMISOM, Bancroft or the United Nations.[28] Second, the video highlights Al-Shabaab's apparent appreciation of "priority intelligence requirements" in covertly targeting officials with intrinsic information value: an AMISOM intelligence officer in his "Ops room", an UNSOA logistics officer and a group of Bancroft employees "tasked with EOD" (explosive ordinance disposal).[29]

Targeted killings "assassinations"

12. In the past year, Al-Shabaab continued to adopt a sinister policy of targeted killings as an essential tactic in intimidating the population and destabilizing the FGS in Mogadishu. Since 2009, the Monitoring Group has observed a gradual escalation in this tactic, especially with disturbingly high numbers recorded during 2014.[30] In 2014, the killing of individuals from shopkeepers, businessmen, government employees, politicians, journalists, members of the security forces and individuals linked to AMISOM are all examples of this trend (see violations of applicable international law in annex 8 to the present report).

13. Similarly, Al-Shabaab is purposefully targeting parliamentarians as part of its calculated strategy in the capital. Two recent significant public statements by Al-Shabaab show the group's determination in pursuing this strategy. On 13 January

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[22] The correspondence dated 22 February 2014 has been redacted and archived with the United Nations.

[23] The correspondence has been redacted and archived with the United Nations.

[24] The Monitoring Group notes that a number of confidential security reports in the past year have reported possible Al-Shabaab plans to carry out an attack inside "MIA".

[25] See for example unconfirmed report concerning AMISOM being infiltrated by Al-Shabaab: https://twitter.com/amisomsomalia/status/466958728265482240.

[26] The Monitoring Group is aware the video has now been removed from the Internet due to its content.

[27] The Monitoring Group is aware that the AMISOM intelligence officer in question had left AMISOM in September 2009 following the hybrid attack by Al-Shabaab. Based on this, it is assessed that the covert surveillance on the intelligence officer was prior to 17 September 2009.

[28] According to the FGS, a similar tactic was adopted with the Al-Shabaab attack on 8 July 2014 where Al-Shabaab had recruited an individual working inside the Presidential Palace.

[29] See www.[redacted].

[30] In its assessment of targeted killings, the Monitoring Group has taken into account statistical information collected from confidential NGO reports and informal briefings from Mogadishu-based security officials.

2014, Ali Mohamud Hussein "Ali Jabal", Al-Shabaab's governor for the Banaadir region, released a message warning people to stay away from FGS institutions.[31] While not specifically mentioning the Parliament or Members of Parliament, the Monitoring Group's assessment is that the warning to and about parliamentarians was implicit. Regardless, by May 2014, following a "complex" attack against the Somali Federal Parliament on 24 May 2014, Al-Shabaab's Spokesperson, Ali Mohamud Rage "Ali Dhere", released a new audio message with a more specific threat:

14. We [Al-Shabaab] warn you [Members of Parliament] that the [Al-Shabaab] Mujahideen will come after you [Members of Parliament] if you don't repent. [Al-Shabaab] will target the Members of Parliament collectively and individually on the highways or in the alleys. You will have nowhere to run. Allah says fight the non-believers and target their leaders.[32]

15. In the past year, the Monitoring Group has documented six targeted killings of Somali Members of Parliament. These include:

- Feisal Warsame Mohamed (*Darod/Merjerteen/Arab Saleh*) assassinated on 6 December 2013, following a suspected magnetic IED attached to his vehicle;[33]
- Isak Mohamed Ali Rino (*Rahweyn/Mirifle/Dumaal*) assassinated on 21 April 2014, after a suspected magnetic IED was attached to the vehicle;[34]
- Abdul Aziz Isaq Mursal (*Rahweyn/Mirifle/Leysan*) assassinated on 22 April 2014, by unknown masked gunmen on leaving his apartment in Dharkeynely district;[35]
- Mohamed Mohamud Heyd (*Tumaal*) assassinated on 3 July 2014, by gunmen wearing Somali military uniforms on exiting Marwas Mosque in Xamar Weyne district;[36]
- Saado Cali Warsame (*Darod/Harti/Dhulbahante*) assassinated on 23 July 2014, by unknown gunmen on Maka al-Mukarama Road in Hodan district;[37] and
- Sheikh Aden Mohamed Mader (*Rahweyn/Mirifle/Luway*) assassinated on 1 August 2014, by unknown gunmen on exiting Marwas Mosque in Xamar Weyne district.[38]

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[31] See http://somalimemo.net/index.php/maqal/7728-sh-cali-jabal-shacabka-muqdisho-markale-waxaan-leenahay-ka-fogaaday-xarumaha-cadawga-bartilmaameed-ayay-noo-yihiin--dhageyso. While not necessarily a reliable indicator, the Monitoring Group notes a prior warning by the Al-Shabaab governor on 29 December 2013 towards Somalis had resulted in an attack against Jazeera Hotel.

[32] See http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia-Al-Shabaab-speaks-on-terror-attack-on-Parliament-complex.shtml.

[33] See amisom-au.org/2013/12/au-special-representative-condoles-with-somalia-on-the-loss-of-a-member-of-parliament-of-the-federal-government-of-somalia/.

[34] See http://www.worldbulletin.net/news/134390/second-somali-mp-killed-in-two-days.

[35] See http://www.worldbulletin.net/news/134390/second-somali-mp-killed-in-two-days.

[36] See http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/07/03/newsbrief-01.

[37] See http://www.bbc.com/news/world-africa-28446489.

[38] See http://www.bar-kulan.com/2014/08/01/somali-legislator-shot-dead-in-mogadishu-by-unknown-gunmen/.

16. Confidential information received from AMISOM and corroborated by a credible source with knowledge of Al-Shabaab's activities in Mogadishu, suggests the above Members of Parliament were all victims of Al-Shabaab's "assassination" campaign.[39] However, preliminary investigations suggest the targeted killings of Feisal Warsame Mohamed and Saado Cali Warsame may not be Al-Shabaab-related, despite Al-Shabaab's claim of responsibility for Saado Ali's assassination.[40] Likewise, the Monitoring Group has received a credible, but uncorroborated, account of the targeted killing of Saado Cali, information which suggests alternative motivations for the killing of the late Somali Member Parliament and which, if accurate, implicates senior Government officials and a diaspora businessman (see below an image of Saado Warsame).[41]

Saado Cali Warsame

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[39] The Monitoring Group notes that credible media reports attributed to Al-Shabaab senior leaders claim responsibility for the above assassinations, with the exception of Feisal Mohamed Warsame.

[40] The Monitoring Group is not aware of any group claiming responsibility for the assassination of Feisal Mohamed Warsame.

[41] Information received by the Monitoring Group from a close family relative to Saado Cali Warsame, August 2014.

Annex 1.4: Al-Shabaab in Puntland

17. While the Monitoring Group enjoyed extensive facilitation and cooperation from the Puntland authorities during its previous mandate, such cooperation and facilitation was not extended to the Group by the office of President Abdiweli Mohamed Ali Gaas this mandate.[42] The office of President Abdiweli has consistently declined to cooperate with the Monitoring with regards to its investigations into Al-Shabaab.[43] In many instances, this has been through hindering investigations by offering protection to persons of interest,[44] and in one case abetting the activities of an Al-Shabaab regional "Aminyat" who had infiltrated the Puntland Security Forces (PSF) as part of a terrorist attack against a regional Member State in late 2013.[45]

18. The Puntland authorities hindrance is indicative of its apparent unwillingness to robustly address the threat of Al-Shabaab.[46] Likewise, the Monitoring Group has observed an increased presence and movement of Al-Shabaab Northeast (ASNE) throughout Puntland, in particular the regions of Bari, Mudug and Nugaal.[47] There are four potential reasons for the increased presence of Al-Shabaab in Puntland.

19. First, evidence suggests the Government of President Abdiweli has adopted a "catch and release" policy with respect to suspected and arrested Al-Shabaab members.[48] Second, unconfirmed but credible information points to the low morale of the Puntland Security Forces since President Abdiweli's election in January 2014, with senior security officials claiming financial mismanagement in terms of unpaid salaries.[49] Third, the territorial gains made by Operation Eagle seem to have forced Al-Shabaab to consider movements into new sanctuaries.[50] Fourth, according to

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[42] During its previous mandate, the Monitoring Group had unprecedented cooperation from the Government of President Faroole with regards to Al-Shabaab-related investigations.

[43] Despite the intervention of some regional Member States, President Abdiweli has still not extended cooperation with regards to Al-Shabaab investigations. As a result, the Monitoring Group's investigations into Al-Shabaab's activities have been severely hampered.

[44] During the course of the mandate, the Monitoring Group made several attempts to access key persons of interest in regards to its Al-Shabaab investigations. This included among others General Khalif Ciise Mudan, the former Puntland Minister of Security, who would appear to be a significant person of interest with regards to an Al-Shabaab regional plot. During the course of the mandate, repeated request were made for a meeting in a secure location outside Somalia to meet the former Minister but the Puntland authorities blocked all attempts.

[45] The Monitoring Group has identified three persons of interest residing in Bossaso who it believes had assisted in one case directly an Al-Shabaab plot to destabilize a regional Member State and attack a Western embassy.

[46] The Monitoring Group is in receipt of e-mails both from Puntland officials and senior security officials, which describes the increasing frustration at the deterioration of the security situation since President Abdiweli's election.

[47] Based on informal briefing with Puntland diplomats and confidential United Nations reports.

[48] During separate interviews with a senior Puntland diplomatic and security source in May and August 2014 respectively, the Monitoring Group was informed of a policy of arresting suspected Al-Shabaab members only to be released, and in some cases where overwhelming evidence had strongly suggested a credible Al-Shabaab link. The Monitoring Group notes also that the above testimonies are consistent with a confidential United Nations report, which monitors the security situation in Puntland.

[49] E-mail correspondence with a senior Puntland security official, 15 August 2014, also corroborated by senior Puntland diplomatic source.

[50] Information based on confidential United Nations and NGO reports between February and August 2014.

credible reports, Al-Shabaab Northeast (ASNE) has undergone a possible reconfiguration of its leadership and shift in operations.[51]

Al-Shabaab Northeast (ASNE)

20. Since its last report (S/2013/413), Al-Shabaab Northeast (ASNE) unlike Al-Shabaab's core appears to have undergone a non-violent "purge". Its outcome has been the reported reorganisation of ASNE's chain of command and strategy.[52] While investigations are currently ongoing into the extent of the ASNE's reorganisation, credible information suggests that most of its political leadership remains in place, as described in the Monitoring Group's previous report (S/2013/413, annex 1.7), but with noticeable changes within its operational structure.

21. According to credible but unconfirmed information received by the Monitoring Group, in late 2013, Yassin Khalid Osman (a.k.a. "Yassin Kilwe" and "Kilwe") had been deployed from ASNE's base in the mountains of Galgala to meet with Al-Shabaab core in Barawe.[53] The purpose of the meeting was to facilitate internal discussions on issues such as reorganisation and strategy, in particular infiltration into Puntland (see below section on Al-Shabaab infiltration into Puntland). With regards to potential leadership changes, the Monitoring Group is aware of the following:

- Bashir Shire Maxamed a member of the Harti/Dishiishe subclan has now assumed overall operational leadership for ASNE (see the photograph below of Bashir Shire Maxamed);[54]
- A senior Isaaq subclan member known as "Sekeriye" has been appointed as head of ASNE Aminyat; and
- Ali Ga'amey, a member of the Harti/Tinle subclan, has been moved from finance and administration to operations commander.[55]

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[51] Monitoring Group interview with a Puntland security official , 8 November 2013, Nairobi, Kenya.

[52] Monitoring Group interview with a Puntland security official, 8 November 2013, Nairobi, Kenya.

[53] Credible information received by a Puntland security official suggests 'Kilwe's' discussions with Al-Shabaab core had also involved discussions with Ahmed Godane.

[54] Bashir Shire Maxamed was a former employee of Golis Telecom and had previously been listed as ASNE's financial "treasure" and training commander.

[55] Ali Ga'amey had previously been listed as ASNE's deputy regional and chief finance commander.

Bashir Shire Maxamed, "Amir" of Al-Shabaab Northeast (ASNE)

[redacted]

22. In regards to its strategic outlook, credible information received from a Puntland security source suggests that the "Al-Shabaab core — ASNE discussions" agreed to increase ASNE's use of IEDs and enhance the group's use of infiltration into Puntland.[56] The Monitoring Group's assessment is that the above information not only appears consistent with Al-Shabaab's current operational strategy in South-Central Somalia but also correlates with its observations of an increased use and flow of IED components trafficked from Yemen into Somalia for Al-Shabaab core and ASNE (see annex 6.6 on smuggling of IED equipment). During the current mandate, the following incidents are where ASNE has used IEDs in Puntland:

- On 4 August 2014, a person-borne improvised device (PBIED) targeted the Bossaso Central Police station, killing the Bari Regional Police Commander, Abdurahman Ali Hussein "Muslim";[57]
- On 15 July 2014, a radio-controlled improvised device (RCIED) targeted a PSF vehicle along the Galkacyo airport road;[58]
- On 8 July 2014, a roadside IED targeted a vehicle belonging to a Puntland Intelligence Agency (PIA) official in Galkacyo North;[59]
- On 14 June 2014, an RCIED targeted a Puntland Police vehicle in Garsoor, Galkacyo North;[60]
- On 29 April 2014, Puntland Police arrested a suspected ASNE member carrying a bag full of explosive devices;[61]

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[56] According to a briefing by a Puntland security official, the internal discussion had proposed an infiltration of Al-Shabaab core Aminyat from southern Somalia into Puntland.

[57] Information based on confidential United Nations and NGO reports between February and August 2014.

[58] Ibid.

[59] Ibid.

[60] Ibid.

[61] Ibid.

- On 31 March 2014, Puntland Security forces arrested 20 suspected members of Al-Shabaab with explosives devices;[62] and
- On 17 March 2014, a senior Puntland commander, Colonel Jama Said Warsame, was killed in a roadside IED incident in Yalho village outside Bossaso.[63]

Al-Shabaab infiltration into Puntland

23. Until recently, Al-Shabaab's infiltration strategy has focused primarily on the Somali armed forces operating in southern Somalia and, as mentioned in annex 1.3, on infiltrating the Federal Government of Somalia (FGS) National Intelligence and Security Agency (NISA). However, during in the past year, increasing evidence indicates that Al-Shabaab has also successfully attempted to infiltrate the Government of Puntland.

24. In Puntland, Al-Shabaab has used its infiltration to conduct offensive action, such as surveillance of United Nations compounds,[64] and in one instance as a sanctuary for carrying out an operation against a regional Member State.[65] Alarmingly, this has included an Al-Shabaab "Aminyat" who had used his family patronage to join the PSF, a Puntland Darwish[66] officer suspected of being an Al-Shabaab member, and a potential Puntland Police recruit who carried out a PBIED attack.[67]

25. Puntland Security Forces

26. Following the "*Badru Nairobi Operation*" (Westgate Mall attack) in Kenya, credible evidence confirms Al-Shabaab's plans were at an advance stage in preparation for a follow-up attack against another regional Member State. According to testimonies received from one of the operatives involved in the plot, potential targets included Western embassies (see Horn of Africa case study in strictly confidential annex 2 to the present report).[68]

27. Among the Al-Shabaab recruits for the plot was a Nairobi-based "Aminyat" called "Pimp".[69] In the interviews with the Monitoring Group, "Pimp" claimed that he was member of the PSF, a fact also confirmed by the Government of Puntland

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[62] See http://www.somalicurrent.com/2014/03/31/puntland-apprehends-20-al-shabab-suspects-with-explosives/

[63] See http://terrorfreesomalia.blogspot.com/2014/03/somalia-senior-puntland-forces.html.

[64] Briefings by Puntland security officials suggest the United Nations presence has become a target of Al-Shabaab surveillance. United Nations confidential reports have also referred to possible Al-Shabaab surveillance. The Monitoring Group notes the United Nations Department of Safety and Security (UNDSS) has not responded to its e-mail dated 16 August 2014 concerning clarification of Al-Shabaab surveillance on United Nations compounds.

[65] Monitoring Group interview with an 'Aminyat-like' operative in March 2014.

[66] Ciidamada Daraawiishta Puntland or Puntland paramilitary force. See also http://en.wikipedia.org/wiki/Puntland_Dervish_Force

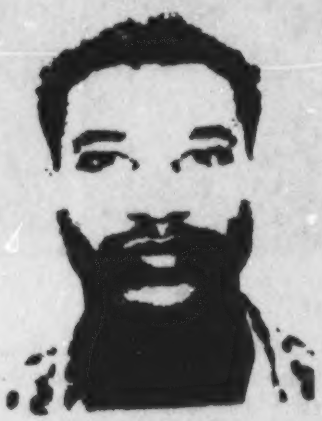
[67] In August 2014, the Monitoring Group received an informal briefing by a senior Puntland diplomatic source on a potential police recruit who later carried out a PBIED attack.

[68] Monitoring Group interviews with arrested Al-Shabaab members linked to the regional plot, March to August 2014.

[69] During interviews with "Pimp" he denied ever being an Al-Shabaab member or involved in an Al-Shabaab plot to destabilize a regional Member State.

officially.[70] Credible and corroborating evidence also suggests that while "Pimp" was serving as a member of PSF, and before being deployed by Al-Shabaab to the neighbouring regional Member State,[71] he had been routinely collecting information on PSF activities.[72] Unconfirmed information provided by "Pimp's" accomplice suggests that he may have had operational links with a known ASNE commander, Khalid Jama Nur.[73] Following "Pimp's" arrest in 2013 for his involvement in the regional plot, the Government of Puntland has consistently raised the issue of "Pimp's" immunity as a member of the PSF.[74]

"Pimp"



Darwish Forces

28. On 30 March 2014, a group of Al-Shabaab suspects were arrested in Garowe. The suspects were reportedly made up of two tiers: an attack group that would target "high profile" targets such as a diplomatic post with a PBIED and a second group, which had reportedly been tasked to conduct a vehicle-borne improvised device (VBIED) attack against targets, including the United Nations compound.[75]

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[70] The Monitoring Group has obtained a copy of the letter from the Puntland Government confirming "Pimp's" membership of the PSF.

[71] The Monitoring Group notes that the travel route of "Pimp" from Bosasso to the neighbouring regional Member State is peculiar for a PSF official. During the interview with "Pimp" he admitted to travelling illegally through various routes in order to enter the regional Member States' territory.

[72] Credible and corroborating information indicates "Pimp" had regular and unfettered access to the office of the head of PSF. During an interview with "Pimp" he boasted of having friendships with foreign forces training the PSF.

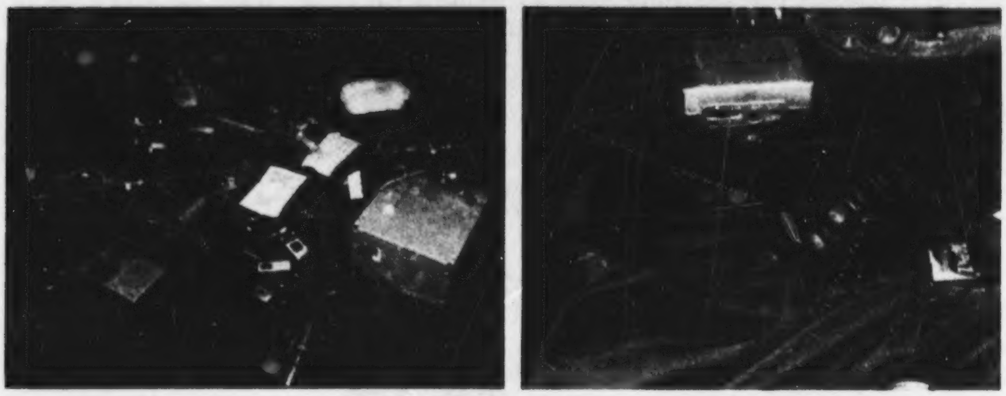
[73] While the Monitoring Group was provided the named "Khalid Jama Nur", it is unable to confirm if this is the same Khalid Jama Nur described in its annex 6.6 on smuggling of IED equipment. It, however, notes both Khalid Jama Nur and "Pimp" are Majerteen.

[74] During the course of the mandate, credible information obtained by the Puntland authorities indicates President Abdiweli has repeatedly attempted to secure the release of "Pimp" in spite of being fully briefed on "Pimp's" activities.

[75] Confidential United Nations report, March 2014.

29. According to credible information, one of the suspects had included a serving official from the Darwish forces. Among the items seized from the group were grenades, pistols, electrical wires and a detonator The Monitoring Group has since learned that the Darwish official has been released.

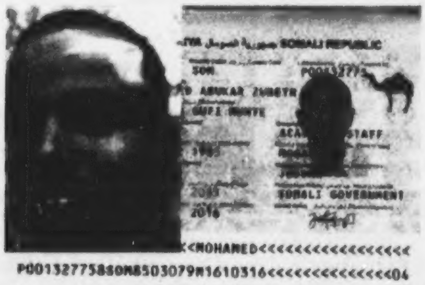
Items captured from suspected ASNE members on 30 March 2014[76]



Mohamed Abukar Zubeyr[77]

30. On 4 August 2014, a PBIED targeted the Bosasso Central Police station, killing the Divisional Commander of Police, Abdurahman Ali Hussein "Muslim", and injuring nine others.[78] The attack not only demonstrated Al-Shabaab's continued threat to Puntland but also highlighted the group's ability to infiltrate Puntland's security apparatus.[79] Preliminary evidence confirms that the perpetrator, Mohamed Abukar Zubeyr from the Majerteen/Omar Mohamud subclan, had attempted to infiltrate the Bossaso Police as a potential police recruit (see below for a copy of Mohamed Abukar Zubeyr's passport).[80]

Mohamed Abukar Zubeyr



SOMALI REPUBLIC

SOM

ABUKAR ZUBEYR

STAFF

SOMALI GOVERNMENT

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[76] See http://puntlandi.com/sawirodhagaysi-dowlada-puntland-oo-gacanta-ku-dhigtay-koox-ka-tirsan-shabaabsoona-bandhigtay-qalab-iyo-agab-ay-wateen/.

[77] All official e-mail and other e-mail correspondence with senior Puntland officials regarding Mohamed Abukar Zubeyr has been archived with the United Nations.

[78] See http://www.somalicurrent.com/2014/08/04/al-shabaab-claims-bosaso-suicide-attack/.

[79] See http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/08/08/newsbrief-02.

[80] Monitoring Group briefing with a Puntland diplomatic source in Addis Ababa, 5 August 2014.

31. The Monitoring Group can confirm that prior to the attack on 4 August 2014, Mohamed Abukar had been in jail for an Al-Shabaab-related offence and later released.[81] While information surrounding Mohamed Abukar's release is unclear, credible information obtained from multiple sources, including diplomatic and senior Puntland officials suggests he was released either by the Police or granted amnesty by President Abdiweli in 2014.[82] The Monitoring Group has also been briefed by a senior Puntland diplomatic source that following his release, Mohamed Abukar was a frequent visitor to the Bossaso Police and had made several attempts to join the Police service.[83] On 15 August 2014, the Monitoring Group was informally advised that it had no mandate to inquire whether Mohamed Abukar had been a potential police recruit or who had granted permission for his release.[84]

Analysis

32. In spite of the lack of cooperation from the Puntland authorities, the Monitoring Group is confident that its assessment of ASNE represents an increased threat to peace and security in Puntland. It also remains convinced that since the election of President Abdiweli, Puntland authorities have struggled, both politically and operationally, to effectively reverse the security trajectory emerging in northern Somalia.

33. Conversely, the Monitoring Group believes as Al-Shabaab continues to cede more territory in the south and is forced to move north, this may, under the right conditions, including a committed Puntland authority, present an opportunity to begin degrading Al-Shabaab militarily.

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[81] Monitoring Group briefing with a Puntland diplomatic source, 5 August 2014, Addis Ababa, Ethiopia, and e-mail from Puntland security official dated 15 August 2014. A confidential e-mail from a Puntland senior official on 20 August 2014 and archived with the United Nations relating to Mohamed Abukar's background suggests he had previously been in Bosasso prison.

[82] The Monitoring Group understands there are conflicting reports surrounding Mohamed Abukar Zubeyr's release. A diplomatic official from Puntland has informed the Monitoring Group that President Abdiweli granted Mohamed Abukar Zubeyr amnesty. However, other reports suggest the Bosasso police had released Mohamed Abukar Zubeyr.

[83] On 10 August 2014, the Monitoring Group contacted the Office of President Abdiweli seeking clarification on the release of Mohamed Abukar Zubeyr and details of his relationship to senior Puntland officials. To date, there has been no substantive response regarding Mohamed Abukar's release and links to the Puntland Authority.

[84] On 15 August 2014, the Monitoring Group witnessed a telephone conversation between a senior Puntland diplomatic source and the office of President Abdiweli in relation to the Group's request in which the office of President Abdiweli raised a number of concerns in relation to the Group's mandate to investigate Mohamed Abukar. The Monitoring Group has also sent an e-mail on 15 August 2014 to the office of President Abdiweli in response to the informal meeting with a senior Puntland diplomatic source.

Annex 2

Al-Shabaab as a regional and international threat[*]

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[*] The annex has not been reproduced in the present document because it is strictly confidential.

Annex 3

Local threats to peace and security in Somalia

Annex 3.1: Threats to peace and security in the Sool region

1. The Monitoring Group previously reported (S/2013/413, annex 5.5) on political and clan tensions in the Sool region of northeastern Somalia, parts of which have been claimed by the authorities in Puntland and Somaliland, and parts of which are also subject to overlapping claims by competing oil companies licensed by Puntland and Somaliland. In addition, the Monitoring Group reported on rival territorial claims by the self-declared state of Khatumo, a political organization drawn principally from the *Dhulbahante* clan, which has stated its opposition to any oil industry activity in territory it claims as well as its intention to liberate Sool region, in particular the capital Lascanod, from Somaliland forces.

2. Over the course of 2013, the Government of Somaliland embarked on a co-option strategy of *Dhulbahante* elders and clan militia,[1] thereby weakening baseline support for Khatumo. Meanwhile, Khatumo also came under pressure by the Government of Puntland. In November 2013, violence erupted in the northern Sool province of Taleex, when leaders of Khatumo attempted to hold a political conference there but were disrupted by clan militia ordered by the then Vice-President of Puntland, who had stationed his troops nearby (see strictly confidential annex 8.2 for a case study on killing of civilians in Taleex).

3. Since the election of Abdiwelli Mohamed Ali Gaas as President of Puntland in January 2014, it appears that Puntland has reversed its outright hostility to Khatumo, absorbing former Khatumo leaders into Government[2] and co-opting others to break from Khatumo. However, this co-option strategy, which is part of a wider strategy by President Gaas of unifying *Haarti* clans, such as the *Dhulbahante* and *Warsengeli* in Sool and Sanaag, has quickly been followed by escalating tensions between Puntland and Somaliland.

4. In mid-March 2014, armed clashes erupted near the town of Las Qoray, Sanaag province, following the visit of Somaliland President Ahmed Mohamed Silanyo to Las Qoray. On 18 March 2014. Puntland troops near Dhahar village (95 kilometres east of Las Qoray) confronted a convoy of Somaliland officials passing nearby. A brief clash ensued though no casualties were reported. In the days that followed, Puntland troops deployed west of Garowe towards Lascanod, the capital of Sool, while Somaliland militia were sent to reinforce positions near Badhan and Gambadha, in Sool.[3]

5. On 10 April 2014, a delegation of clan leaders, including Khatumo President Mohamed Yusuf Jama "Indoshel", flew in a small aircraft registered 5Y-JKN that took off from the international airport in Mogadishu and landed in the town of Buhodle,[4] on the border between Somaliland and Ethiopia (see annex 3.1.a for

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[1] Interview with Somaliland Minister of Defence on 28 October 2013, who stated that 600 Dhulbahante militia had been integrated into Somaliland's army 42 kilometres southeast of Erigavo, and a further 350 Dhulbahante militia had been absorbed in Buhodle.

[2] See "Puntland President forms larger cabinet", 29 January 2014, at http://www.raxanreeb.com/2014/01/somalia-puntland-president-forms-larger-cabinet/ which names Ahmed Elmi Osman 'Karash' as Minister of Interior of Puntland and Abdinur Elmi Mohamud 'Biindhe' as Minister of Fisheries and Sea Resources. Karash was a former Khatumo State President, and Biindhe was also a senior figure in the Khatumo movement before they joined the Puntland Government.

[3] Confidential security report dated 4 May 2014. Information corroborated by two sources in Puntland and Somaliland.

[4] Information provided on 7 May 2014 by air traffic control source.

photo of Indoshel disembarking from the aircraft). Within days, Somaliland troops reinforced positions around Taleex, where Yusuf and other Khatumo leaders were once again preparing for a Khatumo political conference. Somaliland troops took control of Taleex on 15 April 2014 before retreating towards the village of Hol Hol. On 16 April 2014, Ethiopian troops near Buhodle seized two vehicles reportedly transporting a number of individuals and military equipment that were destined for parts of Sool.[5] Heavy Somaliland troop movements were reported in Hol Hol, Sool region, around 26 April 2014.[6]

6. On 17 May, Somaliland troops clashed with Khatumo militia 70 kilometres southeast of Lascanod when Somaliland troops were deployed to arrest Somali Federal Member of Parliament and Khatumo chief financier Ali Khalif Galaydh (*Dhulbahante*), who subsequently escaped back to Taleex.[7] On 22 May 2014, pro-Puntland and pro-Khatumo militia clashed near Taleex.[8]

7. On 10 June 2014, according to Puntland officials, Somaliland forces again advanced towards Taleex town, which was captured on 12 June 2014.

8. On 13 June 2014, security sources in the region reported that a Dhulbahante clan militia and Khatumo forces ambushed a Somaliland military convoy which was moving from Lascanod to Saxdheer, a village 60 kilometres southwest of Lascanod. Seven troops from Somaliland and the Khatumo militia were killed, with Somaliland troops reportedly capturing three Khatumo members and several combat vehicles.[9]

9. On 15 June 2014, Puntland's Vice President Abdihakim Abdulahi Haji Omar (*Dhulbahante*) issued a press release stating that Sool was part of Puntland.[10] On 16 June 2014, Indoshel was interviewed by local media from a location near Saxdheer and announced his administration would continue to fight against Somaliland forces until they withdrew from "Khatumo territory". He also warned *Dhulbahante* clan members to resist co-optation by Somaliland.[11] On 18 June 2014, the Monitoring Group received reports of Khatumo militia building up 30 kilometres southwest of Taleex, with a number of unidentified battle wagons that had appeared from the Puntland border to the east of Taleex.[12] The Monitoring Group has received information that the battlewagons have been provided by Isse Yullux, a pirate leader who the Monitoring Group identified as linked to weapons smuggling networks and Al-Shabaab, and who has reportedly been provided amnesty by the Puntland government (see annex 4.7 for more on this case).

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[5] Information verified with Ethiopian security services, although no photographic evidence has been provided to the Monitoring Group.

[6] Information contained in confidential security report dated 4 May 2014, and corroborated by eyewitness source on 11 May 2011.

[7] Confidential security report, 23 May 2014. Khatumo sources told the Monitoring Group on 11 April 2014 that Ali Galaydh controls a bank account in Dubai, registered in the name of another Khatumo official, which receives diaspora contributions from Dhulbahante community members providing finances to the Khatumo cause.

[8] Confidential security report, 30 May 2014.

[9] Confidential security report, 15 June 2014.

[10] Confidential security report, 16 June 2014.

[11] Confidential security report, 17 June 2014.

[12] Information provided by source in Taleex, 18 June 2014, and corroborated in confidential security report, 20 June 2014.

10. By late June 2014, Somaliland forces had retreated from Taleex once again, leaving behind militia loyal to Hargeisa. Puntland troops also retreated from near Taleex back to Galkacyo in Puntland. Somaliland's withdrawal, however, was quickly followed up by a presidential decree on 4 July 2014 by Somaliland President Silanyo who created the Haysimo region within Sool, nominating the regional capital for the new region as Taleex.[13] Between 13 and 19 July 2014, Somaliland troops and Khatumo militia clashed three times at Lascanod and two neighbouring towns resulting in at least eleven casualties. On 21 July 2014, Puntland deployed a small number of troops to Tukaraq, in Sool.[14]

11. On 3 August 2014, Khatumo leaders resumed their political conference at Saxdheer. This was followed by reports of 250 Khatumo troops moving from Saxdheer to Taleex.[15] At the time of submitting this report in late August 2014, Galaydh had been nominated as the president of Khatumo.

Al-Shabaab connections into Sool

12. Somaliland security officials have voiced concern that deteriorating security conditions in Sool could draw in Al-Shabaab, who are likely to take advantage of clan division within the *Dhulbahante*. Jama Botan, director of Somaliland's intelligence services informed the Monitoring Group in December 2013 that his services were investigating renewed Al-Shabaab infiltration into Sool, including Al-Shabaab trainers involved in training Khatumo militia in at least two training camps in Sool. However, in spite of numerous requests for elaboration, the Somaliland authorities have provided no further information.

13. While the Monitoring Group has taken note of the allegations by Somaliland, it also received information that Khatumo militias arrested two suspected individuals linked to Al-Shabaab on 28 April 2014 in Taleex. If the suspects were genuinely Al-Shabaab, this would suggest the movement is attempting to exploit clan tensions even within the *Dhulbahante*, who are split in loyalty between Khatumo, Puntland and Somaliland.

14. The Monitoring Group has however obtained information of Al-Shabaab links to the Khatumo movement. Contacts close to Indoshel have informed the Monitoring Group that during the course of 2014, he maintained regular contact with Abdifatah Mohamed Ali (*Dhulbahante*), the former finance chief of the now defunct Hizbul Islam.[16] Abdifatah Mohamed Ali has been based in Mogadishu since his surrender in 2013 alongside former Hizbul Islam leader Hassan Dahir Aweys, and currently acts a liaison between the FGS and Al-Shabaab networks who are considering defection.[17]

15. At least two contacts who know Abdifatah Mohamed Ali have reported that he has stated openly in private meetings that he is a supporter of the Khatumo

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[13] Confidential security reports, 1 July 2014 and 8 July 2014.

[14] Confidential security report, 25 July 2014.

[15] Confidential security report, 8 August 2014.

[16] Three separate sources interviewed on 3 June 2014, 4 June 2014 and 6 June 2014, who stated that Indhosel has met regularly with Abdifatah Mohamed Ali at the Jazeera Palace Hotel in Mogadishu prior to his flight to Buhodle in April 2014.

[17] Abdifatah Mohamed Ali has been hosted at the Jazeera Palace Hotel, courtesy of the FGS, since his surrender, and his bills have been settled by the FGS, according to two of his associates who confirmed this information to the Monitoring Group.

movement.[18] In addition to his association to Indoshel, Abdifatah Mohamed Ali is also connected to the Al-Shabaab *Amniyat* operative Abdullahi Ahmed Mohamud "Arabey" (*Dhulbahante*), who was arrested by the Somaliland authorities in late January 2013 or early February 2014.[19] According to Somaliland's intelligence services, "Arabey" has been an important recruiter for Al-Shabaab in Somaliland and a key member of Amniyat in Barawe, but had migrated back to a location near Las Anod during 2013 before his eventual capture by Somaliland forces in 2014.[20] Arabey's mobile phone, confiscated by Somaliland authorities at the time of his arrest, contains the number of Abdifatah Mohamed Ali in its address book. See annex 6.6 for more on Arabey's connections to Al-Shabaab trafficking networks.

16. Given the above connections, the Monitoring Group is concerned that support extended by the FGS to Khatumo, whose leaders have been welcomed to Mogadishu in 2014 with the arrival of Indoshel to Mogadishu, could indirectly benefit Al-Shabaab.[21] FGS President Hassan Sheikh Mohamud has openly voiced his support for the Khatumo movement.[22]

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[18] Interviews on 5 June 2014 and 6 June 2014.

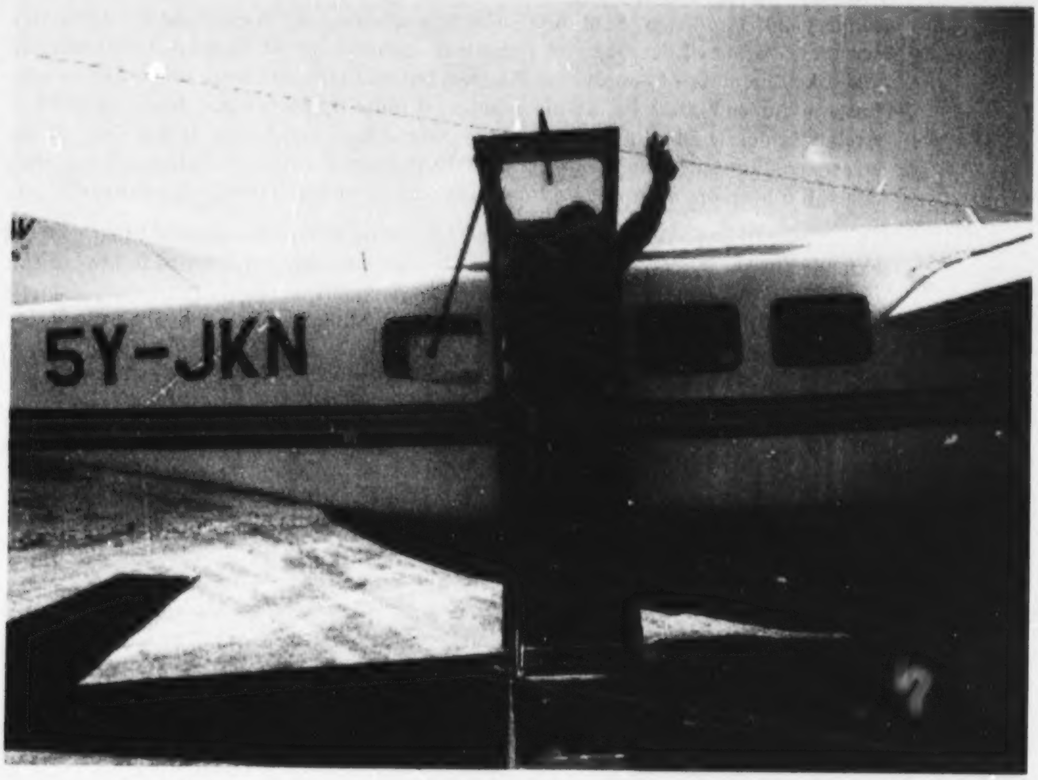
[19] Confirmed by numerous Somaliland Government officials. The Monitoring Group has repeatedly requested access to Arabey, and although the Somaliland authorities have agreed to provide access, no organizational efforts were made on the part of the Somaliland government. Indeed the Ministry of Interior restricted his interaction with the Monitoring Group to one formal meeting at the start of the Group's mandate in late 2013.

[20] No further information on Arabey's status of cooperation or his testimony from questioning by Somaliland authorities was shared with the Monitoring Group.

[21] For Indhosel's arrival to Mogadishu and press conference at the Jazeera Palace Hotel, see http://www.veooz.com/videos/FG_RmzT.html and https://www.youtube.com/watch?v=wZlqbKVpSEg&feature=youtu.be.

[22] Hassan Sheikh stated that 'if the people of Khatumo State have agreed on something we will respect those and we will support them' as reported on 21 January 2014 on http://www.raxanreeb.com/2014/01/somalia-president-hassan-says-govt-to-respect-khatumo-state/.

Annex 3.1.a: Mohamed Yusuf Jama "Indoshel" disembarking at Buhodle



Annex 3.2: Threats to peace and security in Lower and Middle Shabelle

17. Over the course of 2013, a particular, violent form of clan politics broke out in the wake of joint African Union Mission in Somalia (AMISOM) and Somali National Army (SNA) offensives against Al-Shabaab in the Lower and Middle Shabelle regions of the country. A sharp escalation of violence occurred towards the end of 2013, involving clashes between clan militias of the *Biimaal (Dir)* and *Haber Gedir (Hawiye)* in Lower Shabelle and the *Hawiye (Abgaal)* and *Shiidle (Bantu)* in Middle Shabelle, revenge killings, and attacks on civilian settlements amounting to gross violations of human rights and international criminal law. As these events continued into 2014 (still ongoing by August 2014), the Monitoring Group is deeply concerned that the situation in the Shabelle regions — and particularly in Lower Shabelle — is constituting a wider threat to peace and security, which risks spilling over to other regions, including the capital region of Banaadir (Mogadishu) and Bay region (Baidoa), and complicates the ongoing campaign against Al-Shabaab.

18. A combination of inter-linked factors appear to have shaped a spoilers complex, or a resurgence of a new form of "warlord politics", including the alleged active involvement of senior SNA officers and soldiers in the violence, leakages of SNA arms to clan-based militias, use of misappropriated Government funds to fuel the conflict, driven by business interests in capturing land and attempts to violently influence the future formation of federal states.

Lower Shabelle[23]

19. The current conflict grew out of the offensive against Al-Shabaab in Lower Shabelle in May 2012, which saw the Somali Government and its allies seize Afgooye on 25 May 2012.[24] Marka was captured on 27 August 2012 and Wanla Weyn on 7 October 2012. Janaale on the border between the districts of Marka and Qoryooley was seized on 14 February 2013. Thereafter, the offensive came to a halt. As the newly established Federal Government of Somalia (FGS) sought to extend its authority in the region, tensions arose between the *Dir/Biimaal* and *Hawiye/Haber Gedir* clans, which had been dormant since Al-Shabaab took control of Lower Shabelle in 2008.

20. The tensions between the historically indigenous *Biimaal* clans and the *Hawiye/Haber Gedir* clans, considered to be (except for certain sub-clans) newcomers to the region,[25] stem from the military putsch of the *Hawiye*-based faction, the

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[23] This overview of events is sourced from reliable confidential NGO and United Nations sources.

[24] Interview with Mohamed Shirwa, Somali Peaceline, Mogadishu, 11 June 2014.

[25] The clans historically resident in Lower Shabelle are considered to be the *Biimaal* of the *Dir* clan-group, *Digil* of the *Digil-Mirifle* (*Rahanwyn*) clan-group, and "*Wacdan*" (stem) segment of the *Hawiye* clan-group, as well as other ethnic groups such as the *Jareer* (*Bantu*), the *Banaadiri* (of Arabic descent), and minority groups such as the *Tumaal* (blacksmiths), *Sheekhal*, *Hintire* and *Eyle*. See Landinfo, *Somalia: Lower Shabelle*, published by the Norwegian Country of Origin Information Centre (Landinfo), 18 October 2013. Note that the discourse of 'clan cleansing' during the civil war in the early 1990s led to deep differences in terms of how the Somali clan genealogy came to be described by the various clans, as they sought to politically adapt, or socially construct, the clan structures, their history and identity as an ideological instrument for achieving political agendas. For this reason, since 1990, descriptions of clan-structures tend to have a subjective bias towards clan perceptions of their origins and often become mired by controversy. See Lidwien Kapteins, *Clan Cleansing in Somalia — The Ruinous Legacy of 1991*, University of Pennsylvania Press, Philadelphia, 2013.

United Somali Congress (USC), from 1991 to 1994, in which *Haber Gedir* militias invaded and drove out many of the resident communities and occupied in particular the Government-owned farmland in the region. The *Haber Gedir* exploited their military supremacy to take control of the former Government farmlands and the lucrative banana plantations, and to dominate and tax the trade and business sectors, as well as the distribution of international aid through local NGOs.

21. Therefore, the *Biimaal* clans, in particular, were concerned that the offensive against Al-Shabaab would be exploited by the *Haber Gedir/Ayr* and *Sa'ad* clans to regain the political power and control over farmlands they lost when Al-Shabaab took over Lower Shabelle by 2009, and with it causing the social and economic marginalization of the weaker communities. Their fear of a return of *Haber Gedir* influence was fuelled as it became clear that the main SNA fighting force (3rd Brigade) leading the offensive involved many of the same *Haber Gedir* fighters that had dominated Lower Shabelle in the past, associated with its commander General Mohamed Roble Jim'aale "Gobale" (*Haber Gedir/Ayr*), who controlled the *Haber Gedir* militias between Kismayo and Mogadishu from 1999 to 2005, together with the *Haber Gedir/Ayr* "warlord", Yusuf Mohamed Siyad Indha'ade (see S/2013/413, annex 3.3). However, the *Biimaal* were determined not to let this happen again, as the *Biimaal* now too were seeking to gain the power over the region to benefit from its agricultural resources, in particular from the potential of the banana plantations.

22. The appointment of new interim district administrations in February-March 2013 by then Minister of Interior and National Security, Abdikarim Hussein Guled (Haber Gedir/Sa'ad) (see strictly confidential annex 6.4), reinforced *Biimaal* concerns. Although, a *Biimaal*, Mohamed Osman Yarisow, was appointed as the new District Commissioner (DC) for Marka, it was clear that administrations were placed firmly under *Haber Gedir* control, as 70 percent of the new commissioners would be from non-indigenous clans, and the entire security sector came under *Hawiye*, in particular *Haber Gedir/Ayr* control. Hence, the Regional Security Commander for Lower Shabelle and the District Security Commander for Marka District, Abdi Omar Abdulle and Ahmed Omar Madane, respectively, were both *Haber Gedir/Ayr*. The acting Police commander for Marka, Osman Hiraab, was *Hawiye/Abgal*. The Humanitarian Affairs Commissioners for both Lower Shabelle Region and the Marka District were *Haber Gedir/Ayr*. Although the Regional Governor, Abdulkadir Mohamed Nur "Sidi", who initially was appointed by the then Transitional Federal Government (TFG) President, Abdullahi Yusuf, in 2007, is from the *Digil/Garre* clan, he does not enjoy *Biimaal* confidence as they consider him to be allied with *Hawiye* interests in Lower Shabelle.[26] Local clan elders and the replaced DC of Marka, Mohamed Ali Okash (*Biimaal*), reportedly complained to then FGS Prime Minister, Abdi Farah Shirdon, that the SNA *Haber Gedir* forces were trying to intimidate his people and warned that the *Biimaal* were prepared to defend themselves against such attempts if they continued and if the Government failed to intervene.

23. Increasingly through 2013, disputes occurred over land and taxation. These are key elements in controlling the agricultural resources in Lower Shabelle, as dominance of the plantations, especially the banana plantations, and taxation of the transport of products to ports in Marka and Mogadishu, constitute the primary

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[26] Multiple interviews, *Biimaal* community, Nairobi/Mogadishu, May-July 2014.

sources of revenue. While *Biimaal* businessmen wanted to finally secure control of these resources, the *Hawiye/Haber Gedir* wanted to recover the control they had from 1992 to 2008. In particular, the old banana tycoons, such as Ahmed Duale Gelle "Haaf" (Habr Gedir/Sa'ad), and import/export, shipping and transport tycoons, such as Mohamed "Deylaf" (*Haber Gedir/Ayr*), who was controlling the trade through the port of Marka from 1995 to 2006, appeared to want to return to the region.[27]

24. In March 2013, FGS Prime Minister Shirdon ordered the establishment of a pro-Government civil police force drawn from local communities. In Marka, the majority of this force was believed to be *Biimaal*. However, as the formal police forces and the SNA were dominated by the *Haber Gedir*, tensions developed with the civil police force, resulting in a number of skirmishes. Complicating the situation further was the increase in incidents where rogue SNA soldiers and *Hawiye* clan-based militias in SNA uniforms committed crimes, such as extortion, armed robberies, torture and arrest of locals accused of supporting Al-Shabaab. Al-Shabaab, in turn would seek to exploit the tensions and infiltrate FGS/AMISOM-allied authorities and the SNA.

25. In July 2013, a sharp escalation of the tensions occurred when *Biimaal* and *Haber Gedir/Ayr* SNA soldiers broke ranks and clashed in Marka district, after which the conflict deteriorated considerably, triggering cycles of revenge killings, violent clashes, and attacks on civilians, farms and settlements, which resuscitated old grievances between the clan communities stemming from the "clan-cleansing" that unfolded in southern Somalia during the early civil war from 1991 to 1993.[28] However, describing the current conflict as being between the *Haber Gedir* and *Biimaal* is an over-simplification of a complex, which is about control of land resources and trade, political power and clan identity.[29] Although, clan conflicts are widespread in Somalia, the current situation in Lower Shabelle is driven by a combination of several factors, entailing land invasion, political, social, and economic marginalization, and human rights violations.[30]

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[27] According to a confidential United Nations report dated 5 June 2013, the economic resources in Lower Shabelle were controlled by powerful *Hawiye* clan families who migrated from the central parts of the country. The *Haber Gedir* clan militias confiscated fertile land, and forced unarmed groups, in particular the *Bantu*, to work for them on the plantations. The more profitable businesses are still in the hands of these *Hawiye* business families. From 1992 to 2006, Ahmed Dualle Gelle "Haaf" (*Haber Gedir/Sa'ad*), Haji Abukar Omar Adani (*Abgal/Hawiye*) and Abdirashid Ilqeyte (*Haber Gedir/Sa'ad*) were the main businessmen that financed the clan militias and were parties to banana conflicts in 1996. See further, Christian Webersik, *Fighting for the plenty — The banana trade in southern Somalia*, Paper presented to the Conference on Multinational Corporations, Development and Conflict, Queen Elizabeth House, Oxford, Saturday 6th December 2003.

[28] One consequence of the identity conflict in Somalia since the 'clan-cleansing' during the early civil war (1990-1992), was the emergence of a new divisive 'us vs. them' clan discourse manipulated to promote the strategic interests of the new dominant clans that came to power following the fall of the Siyad Barre regime. See Lidwien Kapteins, *Clan Cleansing in Somalia — The Ruinous Legacy of 1991*, University of Pennsylvania Press, Philadelphia, 2013.

[29] Interview with Mohamed Shirwa, Somali Peaceline, Mogadishu, 11 June 2014.

[30] This categorization of factors is suggested by CEWERU: See CEWERU, *From the bottom up: Southern Regions — Perspectives through conflict analysis and key political actors' mapping of Gedo, Middle Juba, Lower Juba, and Lower Shabelle*, by the Conflict Early Warning Early Response Unit with support from Conflict Dynamics, September 2013.

26. From July 2013 onwards, the violence in Lower Shabelle intensified. On 22 July 2013, a group of *Haber Gedir* SNA forces were ambushed by a group of *Biimaal* soldiers. The *Haber Gedir* commander had previously been injured in a clash between the same groups in November 2012. In retaliation later the same day, another group of *Haber Gedir* SNA forces attacked the *Biimaal* SNA forces. Three soldiers were killed and two others (including the regional chief of intelligence) were injured. On 25 July 2013, armed *Haber Gedir* militias attacked *Biimaal* militias at Ceel-Wareegow, to avenge two *Haber Gedir* men killed on 23 July 2013. On 26 July 2013, a delegation led by FGS Interior and National Security Minister Guled was sent to Lower Shabelle region to initiate talks between the *Haber Gedir* and *Biimaal*. A ceasefire was reportedly agreed upon. Earlier the same day, *Haber Gedir* and *Biimaal* clan militias had clashed in Muuri village, where at least 6 people were killed in the fighting.

27. On 28 August 2013, the *Haber Gedir* strongly opposed the appointment of a *Biimaal* as finance officer of Janaale village by the FGS Governor of Lower Shabelle Region, Abdulkadir Mohamed Nur "Sidi".

28. On 30 August 2013, Minister of Interior Guled, and Lower Shabelle Governor Nur arrived in Marka to support the implementation of the agreement reached between the *Haber Gedir* and *Biimaal* over the management of the local administration and security forces. However, they failed to enforce the decision to remove all illegal road-blocks along the Afgooye-Marka road. Neither was a proposal for integrating local militias into the SNA and transfer them to more remote areas implemented.

29. In September 2013, a prominent *Biimaal* elder, Mohamud Osman Sablaale, was killed in the city of Marka by militias of Yusuf Mohamed Siyad Indha'ade, reportedly because of his out-spoken criticism of Indha'ade and his *Haber Gedir* militias.

30. The next major eruption of clan clashes occurred in mid-November 2013. On 15 November 2013, SNA forces (*Haber Gedir*) clashed with *Biimaal* clan militias in Janaale over a tax dispute. Following the clash on the next day, the residents of Janaale staged a demonstration demanding the SNA forces leave the village. On the same day, 16 November 2013, a related shooting incident occurred at a *Biimaal*-manned checkpoint at Ceel-wareegow, where the militia stopped a mini-bus and ordered two SNA soldiers out of the vehicle. The SNA forces based in Janaale later joined the battle. On 17 November 2013, SNA *Haber Gedir* forces clashed with *Biimaal* militias at K50 airstrip and village and at Buufow Bacaad. The next day, 18 November 2013, *Biimaal* militias killed 4 *Haber Gedir* men at K50 in revenge for their losses in the clashes the day before, and yet another major clash broke out, reportedly involving looting and burnings. This attack not only resulted in killing of civilians and burning of the village but it reinforced clan hostilities, and as a consequence rallied the *Biimaal* together.

31. In a radio interview, the head of the K50 village, Abdullahi Wafow (*Biimaal*), accused Yusuf Mohamed Siyad Indha'ade, the former warlord of Lower Shabelle region, of being responsible for the attack, and for killing, attacking and chasing innocent civilians.[31] General Mohamed Roble Jimale Gobale, Commander of the 3rd Brigade of the SNA (see S/2013/413, annex 3.3), and General Mahamed Hasan

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[31] http://www.allidamaale.com/article.php?id=4748.

Qaafow, led the attack on K50. Governor of Lower Shabelle Nur confirmed that Somali military force commanders deliberately attacked the local population. The attack triggered strong condemnation from *Dir* Members of Parliament and *Biimaal* traditional leaders claiming that the SNA forces had been killing and terrorizing civilians. On 20 November 2013, Minister of Interior Guled visited K50 and met with the Regional Governor of Lower Shabelle Nur, and traditional elders. The Minister promised that the Government would conduct a full investigation into the events. However, the tensions remained and spread to new locations as SNA attacked *Biimaal* militias in Ugunji.

32. By mid-December 2013, the situation deteriorated again as serious clashes broke out and revenge killings occurred in several locations, leading to civilians driven from their homes, rape and other human rights violations. On 13 December 2013, *Haber Gedir* and *Biimaal* militias clashed in Aybutey/Gumesi Diid in a land dispute. The fighting lasted three days and at least 15 people were killed and more than 30 others were injured. Land disputes also triggered clashes on 15 December 2013 between *Haber Gedir* and *Biimaal* militias in Janaale and Busley Da'ud. On 16 December 2013, the fighting spread to K50, where the fighting continued for three days and resulted in the killing of reportedly at least seven civilians, extensive burning of dwellings and the flight of the majority of the population.[32] On 19 December 2013, clashes erupted at Kali-Caafimaad. On 18 December 2013 the UN Special Representative of the Secretary-General for Somalia Nicolas Kay warned that the conflicts in Lower and Middle Shabelle could "threaten the country's progress towards peace and stability as well as the rights of thousands of affected citizens." He particularly identified that those affected by the attacks and evictions from "productive farm land" were from "smaller or minority clans and communities".[33] On 25 December 2013, the FGS Minister of Defense, Abdulkarim Fiqi, declared that a peace agreement between *Haber Gedir* and *Biimaal* had been achieved, that SNA forces had cleared all illegal checkpoints along the Afgooye-Marka road, and that additional soldiers had been deployed to K50 to keep the peace.

33. However, the peace did not last long into the new year. On 25 January 2014, two *Biimaal* clansmen were killed near Busley Da'ud by *Haber Gedir* militias. In response, the DC of Marka, Yarisow, declared that the December peace agreement had been violated by the *Haber Gedir*. On 30 January 2014, new clashes between the *Biimaal* and *Haber Gedir* broke out in Janaale, and continued for three days. An unknown number of people were killed and injured. The fighting spread to Busley Da'ud, as *Biimaal* militias burnt a farm owned by a member of the *Haber Gedir*. The fighting lasted for three days. On 19 February 2014, fighting broke out again in Busley Da'ud, subsiding until 8 March 2014, when *Haber Gedir* and *Biimaal* militias engaged in heavy fighting for three days.[34]

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[32] E-mail from former NGO staff member with knowledge of events on the ground, 21 May 2014.

[33] UNSOM, Statement, "UN Special Representative concerned over local conflicts in Somalia", 18 December 2014.

[34] Interview, former NGO staff member in communication with local community, Nairobi, 19 March 2014.

34. On 23 March 2014, tensions with the *Biimaal* significantly intensified as 8 *Biimaal* elders were assassinated near Burhakaba,[35] allegedly by *Haber Gedir* SNA soldiers under the command of General Gobale (*Haber Gedir/Ayr*).[36] The elders were on their way to their homes in Lower Shabelle after having participated in a conference in Baidoa that elected a President and Government for the disputed Southwestern State of Somalia (six regions state). The new FGS Prime Minister, Abdiweli Sheikh Ahmed (*Marehan*), subsequently released a statement condemning the assassinations, sending condolences to the families of the slain elders, and indicating that the Government would launch an investigation into the murders. Although both the Prime Minister and the Police Commissioner for Bay region blamed Al-Shabaab, this was categorically denied by Al-Shabaab.

35. On 21 April 2014, Abdullahi Wafow's *Biimaal* militia attacked an SNA convoy near K50. The level of erosion of public trust in the function and loyalties of the SNA was illustrated by the fact that later the former K50 Chairman publically justified the attack — in which combatants were killed and civilians injured — on the grounds that the soldiers were not Somali Government solders but "armed robbers."[37]

36. Yet another serious deterioration of the situation occurred on 25 April 2014, when 5 *Biimaal* worshippers were killed and four injured (two of them children) in the Mosque of Muri, reportedly by a group of gunmen in SNA uniforms.[38] The incident raised several counter accusations. The *Biimaal* accused the *Haber Gedir* of being behind the killings.[39] The *Haber Gedir* and SNA denied involvement, and instead pointed to Al-Shabaab disguised as SNA soldiers in an attempt to incite inter-clan violence. The following day, two *Haber Gedir* clansmen were killed by suspected *Biimaal* militias near Bufow, Marka District, likely in retaliation for the mosque attack. On 27 April 2014, another attack on a Mosque at K50 took place, in which several *Biimaal* clansmen were killed. This time the blame fell on *Abgal* clan militias.

37. On 7 May 2014, *Haber Gedir* and *Biimaal* militias clashed again at K50 and Ceel-Wareegow. The inter-clan fighting extended further to Buufow Bacaad and other villages along the main road to Shalaambood. On 9 May 2014, the *Haber Gedir* launched an attack against *Biimaal* militias at the outskirts of Marka. Eventually the *Haber Gedir* took over the town. The attack effectively ousted Yarisow, the DC of Marka (*Biimaal*), who reportedly fled. The following day, on 10 May 2014, tensions rose in Shalaambood as Yarisow announced that he had dismissed the DC in Shalambood, Nuur Jiidoow (*Haber Gedir*), in order to appoint a new one. The Jiidoow claimed that as he was appointed by the FGS, he could only be replaced by the FGS, while Yarisow claimed that Shalambood was under the

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[35] In the Somali tradition, as encoded in the "Birimageydo" principles, clan elders (together with children and women) are supposed to be "spared from the spear", hence killing elders is considered forbidden.

[36] See http://www.keydmedia.net/en/news/article/somali_pm_condemns_killing_of_tribal_elders_near_buurhakabo_town/; e-mail local NGO staff member with details of the victims and circumstances of the killings, Nairobi, 16 May 2014.

[37] E-mail, reliable NGO source, 22 April 2014.

[38] Names of the dead and photographs of the injured on file with the Monitoring Group.

[39] Interview with NGO staff member with knowledge of the region, Nairobi, 9 May 2014; interview with former NGO staff member in contact with local communities, Nairobi, 11 May 2014.

jurisdiction of Marka District, hence he could replace the DC. On 11 May 2014, *Haber Gedir* militias committed a revenge killing of a *Biimaal* man at Busley Da'ud. On 13 May 2014, in retaliation for the killing in Busley Da'ud, *Biimaal* militias killed a *Haber Gedir* mini-bus driver at Ceel Jaale. Nuur Jiidow, the incumbent DC of Shalambood, blamed these killings on Yarisow, the DC of Marka.

38. The cycles of revenge killings continued into June. On 2 June 2014, a *Haber Gedir* man was killed in Marka District. *Haber Gedir* elders placed the blame on militias under the command of the DC of Marka, Yarisow (*Biimaal*). On 3 June 2014, *Haber Gedir* militias killed four *Biimaal* men and two women in Farango. On 4 June 2014, *Biimaal* militias attacked the residence of Nuur Jiiddow, the DC in Shalaambood. The DC was not home, but his daughter was killed in the attack. On 5 June 2014, *Haber Gedir* and *Biimaal* militias clashed in Shalaambood. The fighting later spread to Ceel-Jaale where AMISOM forces intervened and managed to separate the two sides. Heavy clashes were reported on 7-9 June 2014 in various locations in Marka District up to the border with Afgoye District, including at Buufow, Busley, Shalambood, Janaale, Ceelwaregow and KM50, resulting in over 20 militias killed and more injured.

39. On 9 June 2014, a group of *Haber Gedir* clan militias wearing SNA uniforms reportedly entered Marka and forced the local *Biimaal* administration to flee.[40] Following the seizure of control on 9 June 2014 of the port city of Marka and the K-50 area in Lower Shabelle by the *Hawiye*-dominated 3rd and 5th Brigades of the SNA, the district administration and the *Biimaal* clan militia allied to it were displaced. This was another dangerous escalation of the conflict between the *Hawiye/Haber Gedir* and the *Biimaal*. UNHCR recorded that 7,100 fled Marka as a result of the conflict: local *Biimaal* elders, however, estimated that as many as 28,200 from their communities had been displaced by the clashes.[41]

40. The *Biimaal* suffered 35-40 civilian casualties, including women and children, and private homes and property were looted. On 9 June 2014, *Haber Gedir* elders blamed Prime Minister Abdiweli for giving the *Biimaal* clan unjustified support in the ongoing clan conflict in the Lower Shabelle Region. On 11 June 2014, the Minister of Interior and Federalism, Abdullahi Godah Bare, and the Minister of Defence, Mohamed Sheikh Hassan, arrived in Marka to mediate a truce. The delegation met with the *Haber Gedir* side, while the ousted DC of Marka, Mohamed Yarisow, refused to meet with them. According to confidential sources of the Monitoring Group, the FGS delegation during their meeting with *Haber Gedir* side expressed that the *Biimaal* militias were the perpetrators of the conflict in the region, responsible for setting up illegal checkpoints, for being anti-FGS and affiliated with Al-Shabaab, which justified the SNA 3rd and 5th Brigade engagement in the conflict in support of the *Haber Gedir*.[42] Consequently, the hostilities between the *Biimaal* and *Haber Gedir* did not subside. Clashes took place in K50 on 12 June 2014, Buulo Jaan neighbourhood in Marka and K50 on 22 June 2014, Kali-Cafimaad on 23 June 2014, and at K50 on 24 June 2014. Reports of

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[40] In an interview on 19 March 2014 a former NGO staff member warned the Monitoring Group that Inna'hade had "promised to go back to Marka."

[41] United Nations Office for Humanitarian Affairs (OCHA), Inter-Agency Mission Report, Marka. Lower Shabelle region, 9 July 2014, on file with Monitoring Group.

[42] Confidential source with direct knowledge of the meeting, 2 July 2014.

SNA-instigated crime also continued and resulted in two fatal shootouts in Afgoye district on 22 and 26 June 2014.

41. Consequently, the conflict continued through July 2014. *Biimaal* clan militias reportedly ambushed a group of *Haber Gedir* clansmen near Ceel-Wareegow and at K60 on 2 July 2014, while on 4 July 2014 they reportedly attacked *Haber Gedir* militia positions at K50. At least 15 fatalities were reported. On 7 July 2014, a group of SNA uniformed *Haber Gedir* militias reportedly set fire to an informal IDP settlement near K50. The IDPs were rescued by AMISOM troops at their base, though some were reportedly injured in an exchange of crossfire between SNA troops. Further clashes occurred between *Biimaal* and *Haber Gedir* militias near Marka on 8 July 2014, at K50 and K60 on 12 July 2014, and at K50 on 26 July 2014, in which 11 *Haber Gedir* and 4 *Biimaal* militia members were killed. On 27 July 2014, SNA 3rd Battalion led by Liban Madahweyne in association with *Haber Gedir* militia attacked El Saleney, an informal IDP camp near K50.[43] The camp was first shelled and then partially burned. Four civilians were killed (two in cross fire and two executed) and the settlement was taken over.

Federalism as a factor

42. In addition to the dimensions of land[44] and clan identity, the conflict in Lower Shabelle is both affected and complicated by the process towards creation of federal states, which since the beginning of 2013 triggered a political power struggle in which clan-based interests and historical grievances from the civil war have been instrumentalized. Therefore, due to its resources, geographical location and heterogenous clan composition, Lower Shabelle has become a contested region between three competing federal state projects: the Southwestern State of Somalia (6 regions), a three-region state and the two-region "Shabelle State". Actors leading the formation of each of these three state projects are taking different sides in the Lower Shabelle conflict. Proponents of the six-region state appear to both support and receive support from the *Biimaal*. The two-region state appears to represent the *Hawiye* project of linking Middle and Lower Shabelle Regions together. Representatives of the three regions state, which formally is supported by the FGS, are mixed, although they have condemned the SNA/*Haber Gedir* violence against the *Biimaal*. As an example of how the self-proclaimed federal states have tried to claim Lower Shabelle, on 27 June 2014, the "President" of the two-region state comprising Lower and Middle Shabelle regions appointed a *Biimaal* as the new DC of Marka.

Al-Shabaab as a factor

43. Al-Shabaab is not yet defeated and is still controlling parts of Lower Shabelle, including the seaport of Baraawe. Therefore, Al-Shabaab is also complicating the conflict as they will seek to manipulate it to their advantage, particularly in terms of exacerbating clan tensions in order to preoccupy and delay the current SNA/AMISOM offensive against them. For instance, on 18 December 2013, Al-Shabaab issued a statement saying that the fighting had affected many civilians

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[43] E-mail, United Nations staff member, 17 August 2014.

[44] Land dispossession was a constant factor in testimonies of *Biomaal* IDPs, such as in an account provided in an interview conducted on behalf of the Monitoring Group with an IDP farmer driven off his land in Farhane in early 2014, location undisclosed, 18 August 2014.

from both clans and caused destruction of property, and that the bloodshed among the Muslim clans needed to stop. On 27 January 2014, Al-Shabaab met with representatives from the *Biimaal* clan in Buulo Mareer in an attempt to gain their support and in February 2014 a *baya'ah* or pledge of support between some *Biimaal* and Al-Shabaab took place.[45] At the same time the Monitoring Group received consistent reports that Al-Shabaab was engaged in courting, and was being courted by, *Haber Gedir* militia and political elements in terms of leveraging mutual support for their respective agendas.[46]

Violations involving targeting of civilians

44. Civilians have increasingly borne the brunt of these struggles for power. During the mandate the Monitoring Group collected credible direct eye-witness testimonies and testimonies from family members, of attacks on civilian areas in Lower Shabelle between November 2013 and August 2014, including relating to killing of civilians, burning of homes and farms, rape of women, and population displacement, primarily concentrated around Janale, Marka and K50.[47] One source alleged that around K50 alone 84 civilians had been killed between March and late July 2014 by "the SNA".[48]

45. K50 has been a particular focus of the fighting with control of the town going back and forth during 2014. The violent conduct unfolding at K50 reflects the pattern of conduct seen elsewhere with clan militia and government soldiers launching attacks, killing and wounding of civilians and widespread burning of dwellings. According to confidential sources of the Monitoring Group, the attacks on K50 in November/December 2013 and June 2014 were orchestrated and led by Yusuf Indha'ade's *Haber Gedir/Ayr* militias, General Gobale and soldiers from the 3rd Brigade, and General Qaafow, and elements of the 5th Brigade of the SNA.[49] The Monitoring Group confirmed that during the attack on 16 December 2013 at least seven civilians, including women and children, were killed and 11 others were seriously wounded.[50] The entire *Biimaal* population of the village was driven from their homes into the bush while houses were looted and dwellings extensively burned.[51]

46. In addition to large-scale attacks on civilian areas, individual civilians were deliberately targeted for murder and rape. One IDP man described, for example, how he and his brother on their way to their fields early in the morning "after Ramadan" were stopped by a group of armed personnel wearing military uniforms

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[45] Information received by e-mail from a source with knowledge of security situation in Lower Shabelle, 23 March 2014.

[46] Interview with activist with knowledge of the security context, Mogadishu, 18 June 2014; interview with former NGO staff member based in Lower Shabelle, Nairobi, 28 March 2014; interview with NGO staff member, Nairobi 24 April 2014.

[47] Interviews with IDPs from Lower Shabelle in Mogadishu, Hargeisa and Garowe, December to June 2014.

[48] Confidential submission from communities around K50, received 29 July 2014.

[49] With respect to the attack on K50 in December: interview with individual present at K50 shortly after the attack, Mogadishu, 28 April 2014; interview with local elders, Nairobi, 11 May 2014; interview with former member of the SNA, location and date undisclosed for security reason.

[50] Ibid.

[51] Interviews with, and e-mail from, *Biimaal* elder 17 May 2014; detailed list of losses by family from burning and looting on file with the Monitoring Group.

which were at a staging point. His brother was taken to one side and executed. The witness recognised a senior official in the local political administration, known to lead his own militia, in a position of command at the site.[52]

Arms and financial support

47. Multiple sources of the Monitoring Group have indicated that the *Haber Gedir* soldiers and militias are being provided with weapons and funds from *Haber Gedir/Sa'ad* businessmen.[53] Sources also suggest the existence of an agreement to eject the *Biimaal* from power and the plantations in Lower Shabelle, as part of a *Haber Gedir* strategy to claim Lower Shabelle.[54] This is independently corroborated by another source that claims there have been 3 meetings since autumn 2013 in the "Hawa Tako House" in the Zoppe area of Mogadishu, which belongs to Asha Elmi, the wife of former Prime Minister Shirdon. In these meetings, leading *Haber Gedir* clan members discussed the actions against the *Biimaal* in K50 and Marka.[55]

Middle Shabelle

48. Similar to Lower Shabelle, the conflict between the pastoralist *Abgaal* (in particular the *Mohamed Muse* sub-clan) and the agriculturalist "bantu" or "jareer" minority, the *Shiidle*, who reside along the banks of the Shabelle river, broke out following offensives against Al-Shabaab there. The tensions between these two communities also have roots in the grievances from the "clan-cleansing" period of the civil-war, from 1991 to 1993, during which the armed pastoral *Abgaal* broke with past customs regulating a peaceful co-existence between the two sub-clans, and trespassed through the cultivated farm lands of the powerless *Shiidle*, affecting grazing areas for their livestock and water access, and went to the extent of pillaging and raping *Shiidle* women with impunity. The pastoralist clans called the *Shiidle* "*looma ooye*" meaning "the ones no one cries for" and "*looma aare*" meaning "the ones no one will revenge".[56] Since then, the *Abgaal* have also been seeking to exploit the farm produce of the *Shiidle*. After the defeat and retreat of Al-Shabaab in December 2012, the tensions between the clans increasingly resurfaced, as disputes over farmland re-emerged.

49. During June and July 2013, a series of incidents escalated the tensions, including a number of killings around the village of Weydow between 15 June and 1 July 2013, and an attack on a mosque in Beyaxaaw village by *Abgaal* militia on 4 July 2013.[57] On 10 July 2013, a ceasefire agreement was reached between the *Jareer/Shiidle/Walamoy* and *Abgaal/Mohamed Muse*. On 14 July 2013, a peace agreement was entered into, by which the disputed land was ruled in favour of the

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[52] Interview IDP man, location undisclosed, 21 January 2014.

[53] See for example, e-mail, former NGO staff member with knowledge of events in Lower Shabelle, 16 June 2014; e-mail NGO staff member with knowledge of Lower Shabelle, 7 June 2014; see also letter from the Council of Lower Shabelle Elite and Elders for Peace and Development to UNSOM, 10 June 2014.

[54] Confidential sources with knowledge of the *Haber Gedir* strategy.

[55] At these meetings, Duale "Haaf", a prominent *Haber Gedir/Sa'ad* businessman allegedly pledged USD 1.5 million to the *Haber Gedir* campaign in Lower Shabelle. Haaf has an interest in re-gaining the K50 airstrip, and the banana plantations he controlled from 1993 to 1997.

[56] See Joakim Gundel, *The predicament of the 'Oday'*, Danish Refugee Council/Novib Oxfam, 2006, p. 36.

[57] Confidential United Nations and NGO security reports.

Shiidle. Although losses on both sides were acknowledged, no compensation was paid.[58] On 8 September 2013, a group of *Shiidle* elders were arrested by the Middle Shabelle regional administration who accused them of organizing meetings that were contrary to the stability of the region. The elders insisted that they were discussing issues concerning recent flood disasters in the region. Although the elders were released on 9 October 2013, tensions once again escalated. Following incidents in which cattle belonging to the *Mohamed Muse* sub-clans trespassed into *Shiidle* farmland consuming and destroying crops and with disputes over farmland ownership on 18 and 31 October 2013, and 1 November 2013, the situation spiralled on 6 and 7 November 2013.

50. Confidential annex 8.2 contains a detailed account of the events on 6 and 7 November 2013 in 20 villages northeast of Jowhar and related violations of international law. In brief, a series of attacks were launched by *Abgaal/Mohamed Muse* militias, and SNA personnel, in the course of which civilians were killed, homes burned, assets looted, women were raped and thousands displaced. The fighting continued at a different level of intensity until 27 November 2013, when a new agreement between the sides was reached.

51. Apart from the violations against civilians, the Monitoring Group has obtained information indicating some deeply worrying aspects of the conflagration in Middle Shabelle, in particular observations of direct involvement of SNA personnel against the *Shiidle*, possible leakages of arms to the *Abgaal* militias, and business interests in taking control of fertile farmland in Middle Shabelle. The character of the attacks was described by *Jareer* elders as a "brutal cleansing genocide" against six *Jareer/Shiidle* sub-clans, in particular in the village of Walamoy.[59] Testimonies obtained by the Monitoring Group indicate that, in a similar fashion to what happened in Lower Shabelle, *Abgaal* clan elements of the SNA participated in the fighting on the side of the *Mohamed Muse* sub-clan. A few *Jareer* SNA deserters responded to the attacks in defence of what the *Jareer/Shiidle* community experienced as an effort to remove them from their land by force in contrast to past conflicts, which mainly were about grazing rights and access to water.

52. According to witness accounts, members of the 1st Brigade in addition to other elements including soldiers from the *Abgaal/Mohamed Muse*, *Warsangeli*, and *Da'ud* sub-clans from other sections of the SNA, as well as "Haber Nugaal", participated in the attack. According to United Nations sources, the 1st Brigade is primarily composed of former *Abgaal* clan-militias.[60] Battalions of the 3rd Brigade, which mainly are composed of *Haber Gedir* sub-clans, and Battalion 60 (mainly *Abgaal*) were also alleged to have participated in the attack, although there were conflicting reports as to the extent to which some elements of the SNA might have been sent with the objective of stopping the fighting.[61] It cannot be established fully whether the commanders were directly involved in orchestrating the SNA forces or that it was a case of "undisciplined" SNA elements who broke ranks with those under their command to join their sub-clans in the fighting.

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[58] Agreement Signed by Walamoy and Mohammed Muse Elders (unofficial translation into English), 14 July 2013, on file with the Monitoring Group.

[59] Statement of Jareerweyne elders, 9 November 2013, on file with Monitoring Group.

[60] Internal United Nations document, May 2013, on file with the Monitoring Group.

[61] Security source working with the SNA, Mogadishu, January 2014.

53. The Monitoring Group is concerned that the involvement of SNA soldiers, and the apparent heavy armament of *Abgaal* militias during the November clashes, may be linked to the leakages of arms and equipment from the SNA, and/or from illegal arms imports by *Abgaal* elements close to the FGS (see annex 6). An expert with knowledge of the Somali military context asserted that "weapons, arms and clothing were issued to those fighting the *Shiidle*."[62]

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[62] Interview former United Nations staff member, Mogadishu, 14 January 2014.

Annex 4

Piracy and kidnap for ransom

Annex 4.1: Registered armed attacks and disruptions since October 2013

Armed pirate attacks[1]

11 Oct 13	ISLAND SPLENDOR	Hong Kong	Automatic weapons	Y	Attack
6 Nov 13	ZHONGJI NO.1	Hong Kong	Automatic weapons	Y	Attack
9 Nov 13	MV TORM KANSAS	Denmark	AK47	Y	Attack
9 Dec 13	GULF PEARL	Bahamas	-	Y	Attack
9 Dec 13	GOLDEN ICE	Hong Kong	-	-	Attack
17 Jan 14	NAVE ATROPOS	Marshall Islands	Automatic weapons	Y	Attack
13 Feb 14	ANDREA	Sierra Leone	AK47	Y	Attack

Disruptions of Pirate Action Groups (PAG's)

15 Oct 13[4]	HMAS MELBOURNE	Australia (CTF151)	Whaler and skiff	9	-
5 Nov 13[5]	FGS NIEDERSACHSEN	Germany (EUNAVFOR)	Whaler and skiff	10	-
10 Nov 13[6]	HDMS ESBERN SNARE	Denmark (NATO)	Whaler and skiff	9	Seychelles
16 Nov 13[7]	UPS H. SAGAIDACHNY	Ukraine (NATO)	Skiff	7	-
18 Jan 13[8]	FS SIROCO	French (EUNAVFOR)	Hijacked dhow[9]	5	Seychelles
26 Apr 14[10]	FGS BRANDENBURG	Germany (EUNAVFOR)	Hijacked dhow[11]	6	-

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[1] Information obtained from European Union Naval Force (EUNAVFOR) on 9 July 2014.

[2] When left blank ("-"), weapons were observed but the reporting did not indicate the type of weapons that were observed.

[3] When left blank ("-"), reporting did not indicate whether weapons were fired or not.

[4] http://combinedmaritimeforces.com/2013/10/18/ctf-151-apprehends-somali-pirates-and-destroys-their-skiffs/.

[5] http://eunavfor.eu/eu-naval-force-piracy-continues-eu-warship-prevents-suspect-pirates-going-to-sea-and-a-merchant-ship-is-attacked-by-pirates-in-the-indian-ocean/.

[6] http://www.mc.nato.int/PressReleases/Pages/NATO-disrupts-suspected-Pirate-Group.aspx.

[7] http://www.mc.nato.int/PressReleases/Pages/NATO-Counter-Piracy-Ukrainian-Frigate-UPS-HETMAN-SAGAIDACHNY-Boards-Pirate-Skiff--.aspx.

[8] http://eunavfor.eu/suspect-pirates-apprehended-by-eu-naval-force-flagship-transferred-to-the-seychelles/.

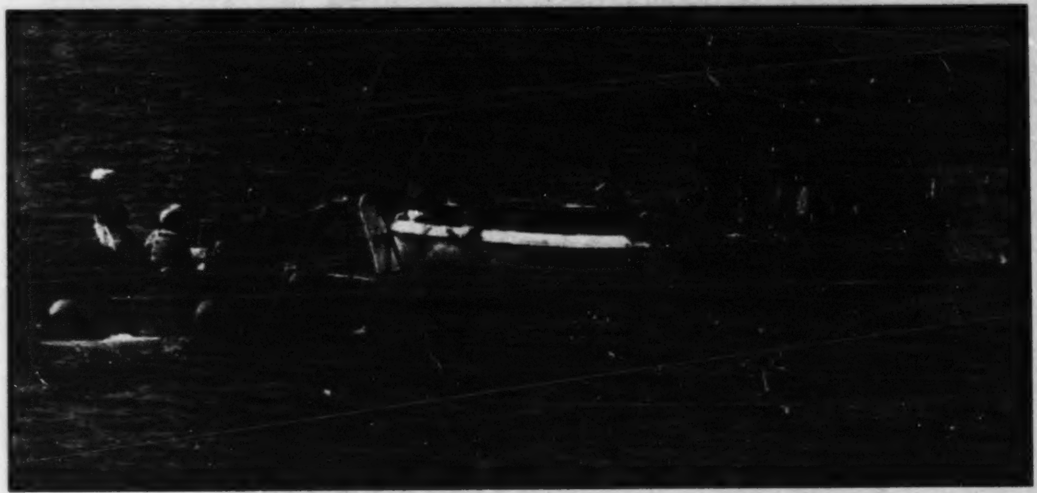
[9] Indian dhow MSV *Shane Hind*, hijacked off Barawe shortly after 4 January 2014 where it had loaded Somali charcoal.

[10] http://eunavfor.eu/somali-pirates-flee-captured-dhow-as-eu-naval-force-applies-pressure/.

[11] Indian dhow MSV *Al Nazir*, hijacked around 12 April 2014 off the coastal town of El Hur after it had loaded charcoal in Barawe on 6 April 2014.

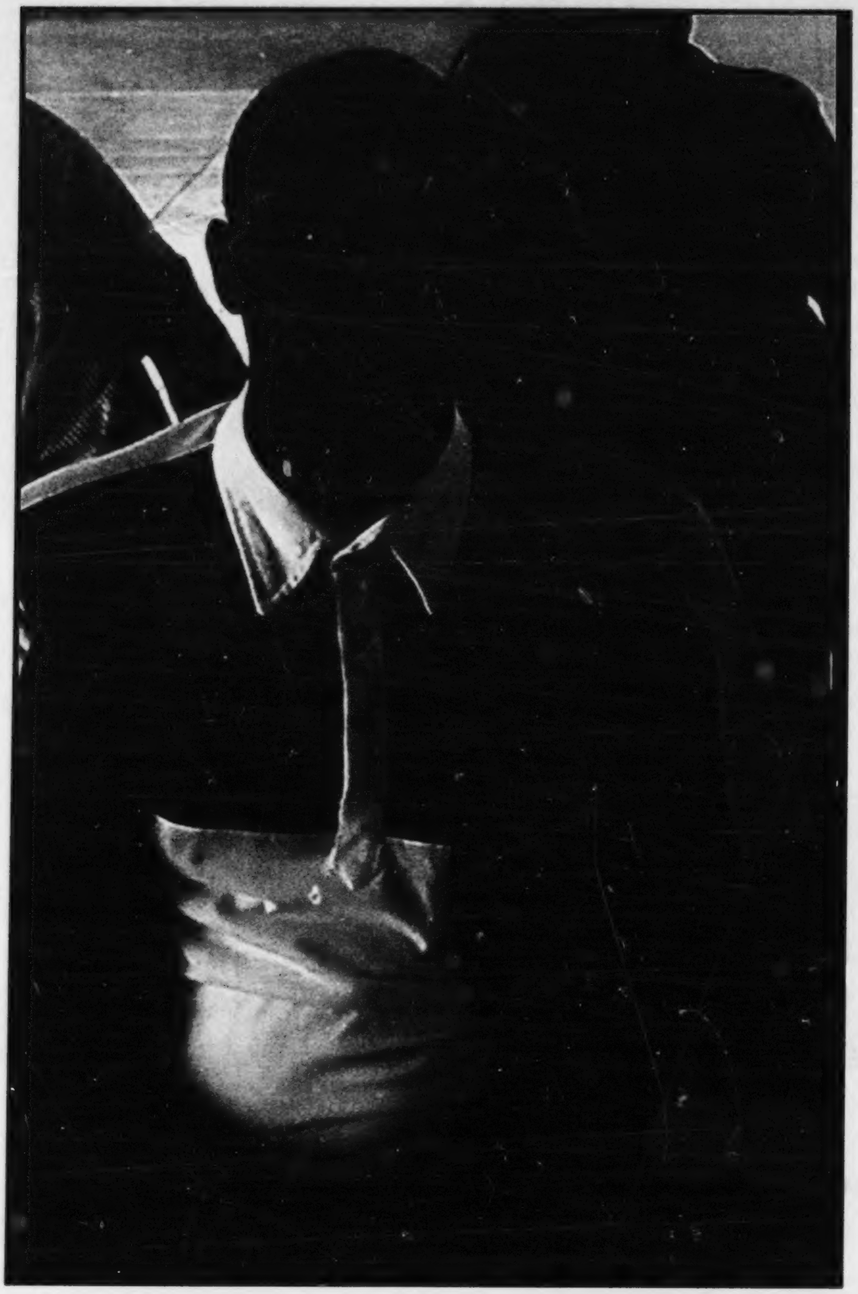
9 suspected pirates with skiff and whaler contained by HMAS Melbourne's (CTF151) boarding team on 15 October 2013

Disrupted pirate skiff being destroyed by HMAS Melbourne on 15 October 2013



Annex 4.2: Photographs of pirate leader and financier Mohamed Osman Mohamed "Gafanje"

Mohamed "Gafanje" photographed during a meeting in Adado on 9 January 2013



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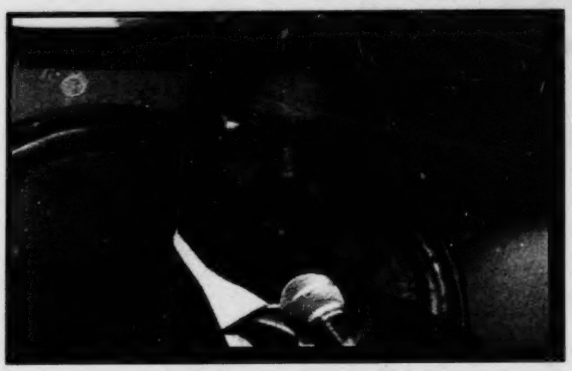
Annex 4.3: Pirate facilitator Mohamed Aden "Tiiceey"

1. Mohamed Abdullahi Moalim Aden was arrested and jailed in Belgium on 12 October 2013 for facilitating activities of Somali piracy. Nicknamed "Tiiceey", he is a 42-year-old U.S. citizen from Burnsville, Minneapolis. He was born in Somalia and reportedly emigrated to the U.S.A. at the age of 22.

Picture of former Himan and Heeb "President" Mohamed Abdullahi Moalim Aden "Tiiceey"



2. Tiiceey became Deputy Chairman of the United Somali Diaspora, established in October 2007, before moving back to Somalia. In March 2008, with the support of the Somali diaspora, he formed Himan and Heeb, an autonomous Habar Gidir-controlled regional administration located in the west of Galgadug and covering the South Central Somali Districts of Adado, Godinlabe, Bahdo, Gelinsor, Amara, Elhur, Harardhere, and Hobyo.

3. As the Chairman and later "President" of Himan and Heeb, Tiiceey introduced local governance and development in a highly insecure region characterized by lawlessness, clan fighting, warring Islamic factions and criminals, including pirates from the Hobyo-Harardhere piracy network who were already running a successful piracy business.

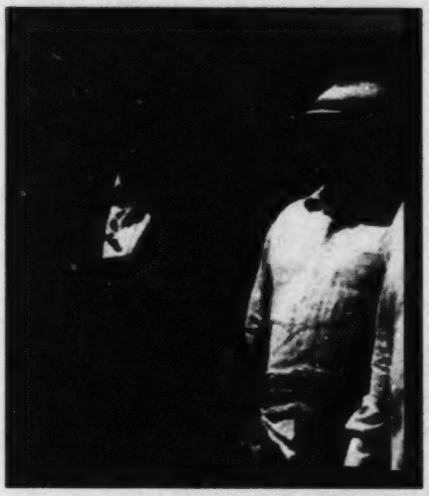
Mohamed Aden "Tiiceey" and his two tanks in Adado, Himan and Heeb

4. In October 2009, asked by the media about the booming and ever growing phenomenon of Somali piracy, Tiiceey was quoted as saying:

"I'd take these guys on, but I can't right now because I don't have the resources. Besides, you can't just wipe out a whole line of work for thousands of young men. If you take something away, you must replace it with something else. Otherwise, more problems."[12]

5. Established facts, testimony and other information, however, revealed that in addition to bringing development and prosperity to Himan and Heeb, Mohamed Aden "Tiiceey" also used his powerful position, as a local politician and Saleban militia leader, to enrich himself by assisting and facilitating the activities of local Saleban pirates as well as renowned pirate kingpin Mohamed Abdi Hassan "Afweyne".

Afweyne and Tiiceey in a picture presumed to be taken in Adado in 2012



6. Moreover, it appears that the main assistance of Tiiceey to the pirates consisted of facilitating the release of hostages, the payment of ransoms and associated negotiations. In several cases, Tiiceey extorted tens of thousands of dollars from victim parties for granting permission for aircraft to land, which is normally charged at a rate of some USD 200 (see also real landing fees and security surcharges at Adado Airport below).

7. Tiiceey is also suspected to have provided the pirates all necessary means and assistance to ensure smooth communications and negotiations with representatives of hijacked vessels, and will be prosecuted for the alleged membership of a criminal organization led by pirate kingpin Mohamed Abdi Hassan "Afweyne".[13]

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[12] http://www.nytimes.com/2009/10/03/world/africa/03somalia.html?pagewanted=all&_r=0.

[13] Information obtained from law enforcement source on 14 August 2014.

Stella Maris (2008)

8. Several "Crew Evaluation Forms" (dated 5 February to 5 March 2008) belonging to the Japanese bulk carrier *Stella Maris*, which was hijacked on 20 July 2008, were found in Tiiceey's possession after his arrest (see strictly confidential annex 4.3.a). Tiiceey's possession of these documents is notable, since no less than 20 contacts registered in Tiiceey's phone book have been part of or involved with the pirate gang holding the *Stella Maris*, including the son of Afweyne, pirate leader Abdikadir Mohamed Abdi, in addition to renowned pirate negotiator Abdullahi Farah Qarey,[14] pirate leader Abdi Beenlow and the logistical *khat* supplier Hawa Dirie Ahmed, also known as "Hawo Five", the wife of pirate leader Mohamed Osman Mohamed "Gafanje".[15]

9. Another one of Tiiceey's contacts involved in the *Stella Maris* hijacking was the Jubba Airways office chief in Adado, Arays Sheikh Mohamud.[16] Arays, who is believed to be a pirate financier but who is also a registered agent of Amal Express,[17] transferred USD 990 to Tiiceey on 13 September 2012,[18] and another USD 2,475 during early 2012 to pirate negotiator Ahmed Mohamud Mohamed, also known as "Adam",[19] a member of the pirate facilitation company "Indian Ocean Consultants" (see S/2012/544, strictly confidential annex 4.3) and involved in multiple hijacking cases.[20] In addition, communication data shows Arays to be in contact with other individuals involved in piracy, such as pirate financier Mahamed Said Jimale.[21]

10. The role Tiiceey played in this hijacking case remains unclear. Pirates released the *Stella Maris* on 26 September 2009 for a reported ransom payment of USD 2 million.[22]

Faina (2008)

11. Tiiceey also seemed to have played a role in the negotiations of the *Faina*, the Ukrainian general cargo vessel carrying 33 Soviet-made T-72 tanks, weapons and ammunition, which was hijacked by Somali pirates on 25 September 2008 on delivery to Kenya.

12. Credible information obtained by the Monitoring Group seems to indicate that a Kenyan intelligence agency was actively assisting with ransom negotiations and was in contact with Tiiceey in order to get the vessel and its valuable cargo released as quickly as possible.[23]

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[14] Abdullahi Farah Qarey is also known as "Abdullahi Jareer", "Abdi" and "Jabril".

[15] Information obtained from credible law enforcement sources.

[16] http://www.goboladaradio.com/?p=9381.

[17] http://webcache.googleusercontent.com/search?q=cache:vx5m6lZqVM4J:amalexpress.net.au/international-agents/&hl=en&strip=1.

[18] Copy of money transfer in the possession of the Monitoring Group.

[19] Copy of money transfer in the possession of the Monitoring Group.

[20] In addition to other activities, Adam acted as a pirate negotiator in the hijackings of the *Beluga Nomination*, *Gemini*, *Izumi* and the *Orna*.

[21] Communication data in possession of the Monitoring Group.

[22] http://globalnation.inquirer.net/news/breakingnews/view/20080927-163311/Pirates-release-Japanese-ship-with-Filipinos-for-2M.

[23] Information obtained from military intelligence source on 16 July 2014.

13. An e-mail originating from "Nairobi" and sent to Tiiceey on 25 January 2009 by an individual named "Major Yahya" seems to confirm this.[24] Not only does the e-mail provide direct and detailed information in the Somali language about the ongoing negotiations of the *Faina*, it also contains information about the pirates holding the *Faina* and suggests that this information had been obtained from the "coalition forces" in Bahrain.[25]

14. In addition, the sender requests Tiiceey to provide him with more information concerning the involvement of a German professor and the Saleban elders in Nairobi and indicates that they are being followed. Such specific details and the appearance of the sender's e-mail address on internet fora discussing Kenyan Government affairs and political developments reinforce the suspicion that Major Yahya is a Kenyan official (see strictly confidential annex 4.3.b).[26]

15. Again it is not clear what Tiiceey's exact role was in the negotiations of the *Faina*, which service he was allegedly providing, and to whom and for who's benefit he was providing the service. However, information obtained about his later involvement in other hijacking cases suggests that Tiiceey's facilitation services are neither free nor cheap.

Indian Ocean Explorer (2009)

16. On 27 March 2009, reportedly in the vicinity of Alphonse island, some 215 nautical miles from the main Seychelles island of Mahé, the Seychellois-flagged passenger (cruise) ship *Indian Ocean Explorer* (IOE) and its 7-member crew, all Seychellois nationals, were hijacked by Somali pirates.

17. Like the Belgian-flagged stone carrier *Pompeii*, hijacked on 18 April 2009, the IOE was taken by Hobyo-Harardhere pirates under the control of pirate kingpin Mohamed Abdi Hassan 'Afweyne' and his son Abdikadir Abdi Mohamed. On the side of the pirates, negotiations were led by Afweyne's preferred negotiator, Abdullahi Farah Qareey, also known as 'Abdi'.[27]

Abdikadir Mohamed Abdi, pirate leader and son of Afweyne

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[24] E-mail address also registered as "Yahya Mohamed" and "Yahya 'Mo'".

[25] Information in possession of the Monitoring Group.

[26] https://groups.yahoo.com/neo/groups/uchunguzionline/conversations/topics/3952?var=1; https://groups.google.com/forum/#!topic/wanabidii/cMH0ikeIHJo.

[27] Information obtained from credible law enforcement on 11 June 2009.

18. Negotiations proved to be difficult, especially during the final stages when there was agreement about the ransom payment but prevailing weather conditions prevented the ship and its crew from sailing back to the Seychelles. The crew had to be flown out of Somalia, which implied land transportation and additional security risks. The pirates also wanted to ensure that they would receive the ransom payment first, before releasing the hostages.[28]

19. In order to accelerate the process, both parties had a first meeting in a small café at The Junction Mall in Nairobi, Kenya, on 17 June 2009, in order to discuss further modalities of the payment and the release of the hostages.[29]

20. The representative of the pirates identified himself as "Mohamed Aden", a senior official in the Adado Administration, and said that he was living in Minnesota, U.S.A., where he had a wife and children but had returned to work in Somalia.[30]

21. Mohamed Aden, who was later recognized and identified as Mohamed Abdullahi Moalim-Aden 'Tiiceey', explained that he had to be given the full ransom payment and travel documents for the hostages in order to secure their safe release.[31]

22. In a second meeting on 18 June 2009, Tiiceey demanded an additional USD 20,000. In return, he said, the hostages would be transferred to Adado airport, from where they could be flown out to Kenya.[32]

23. Left with no further options, an additional USD 20,000 was raised, and on 19 June 2009 Tiiceey was sent a letter from the Kenyan Government with arrangements for the safe passage of the hostages in Kenya.[33]

24. During the next meeting, which presumably took place on 20 June 2009 in an unidentified hotel in Nairobi, Tiiceey was given the agreed ransom payment of USD 400,000 and the additional funds he had requested. However, all the funds had to be returned, since Tiiceey, while counting the payment, rejected some 15 percent of the U.S. dollar bills because the pirates would only accept U.S. 100-dollar notes printed after a specified date.[34]

25. After exchanging the unwanted bills to meet Tiiceey's requirements, a subsequent and final meeting was set up in the same hotel, where Tiiceey recounted and reexamined the new notes and accepted the payment. He then called pirate negotiator 'Abdi' to say that all was satisfactory and left the hotel with the USD 420,000.[35]

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[28] As described by the former hostage and Captain of the *Indian Ocean Explorer*, Francis Roucou, in his book *88 Days*.

[29] Credible information provided by confidential source with inside knowledge of the negotiations.

[30] Credible information provided by confidential source with inside knowledge of the negotiations.

[31] Credible information provided by confidential source with inside knowledge of the negotiations.

[32] Credible information provided by confidential source with inside knowledge of the negotiations.

[33] Information in possession of the Monitoring Group.

[34] Credible information provided by confidential source with inside knowledge of the negotiations.

[35] Credible information provided by confidential source with inside knowledge of the negotiations.

26. A day later, all hostages were released from the ship and transferred to Adado, where the next morning on 22 June 2009, they were picked up by a Capital Airlines chartered Beechcraft Kingair and flown to Nairobi.[36]

Francis Rocou, Captain of the hijacked Indian Ocean Explorer *on his arrival at Wilson Airport, Nairobi, Kenya*

www.capitalair

***Serenity* (2009)**

27. Also in March 2009, Somali pirates hijacked the sailing yacht *Serenity* and took hostage the Seychellois citizens on board, Conrad Andre, Gilbert Victor and Robin Samson. Their release on 6 September 2009 in the vicinity of the pirate-infested town of Gara'ad coincided with the release and deportation of 23 suspected Somali pirates from Seychelles to Gara'ad. This surprised and provoked fierce criticism from the Puntland Government, which claimed that the chartered aircraft used for the operation had no legal clearance to land and accused the Seychelles Government of organizing an illegal pirate-hostage exchange. In a subsequent press release the Puntland Government further alleged that, "the transaction was facilitated by elements involved in pirate smuggling and ransom transfers".[37]

28. The Seychelles Government, which is said to have negotiated the release of the *Serenity* crew,[38] dismissed the allegations of the Puntland Government and responded that the 23 Somali suspects had been cleared by the court and were therefore deported as illegal immigrants, not pirates. Returning the hostages to the Seychelles on the same plane, they argued, was a means of reducing the cost of the overall operation and avoiding the need for two separate trips into Somalia.[39]

29. However, confidential communications and documents in possession of the Monitoring Group show that in June 2013, Tiiceey had already been provided with a list of the names of the 23 suspected pirates jailed in the Seychelles, indicating advance preparations for a hostage deal. Once again, Tiiceey was involved in

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[36] As described by the former hostage and Captain of the *Indian Ocean Explorer*, Francis Roucou in his book *88 Days*.

[37] http://wardheernews.com/Press_Releases/Puntland/Sept_07_Kenya_Seychelles_Pirate_Smuggling.html.

[38] http://www.nation.sc/article.html?id=%20224277.

[39] http://www.nation.sc/article.html?id= 224277.

brokering or facilitating negotiations on behalf of the Hobyo-Harardhere pirates (see strictly confidential annex 4.3.c).

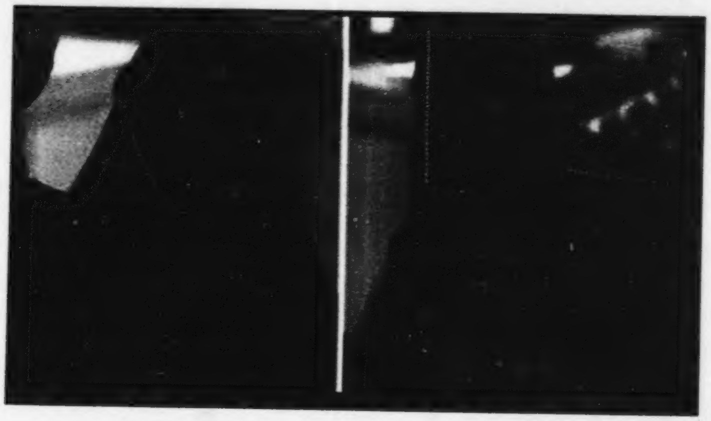
30. The fact that the pirates reportedly moved the *Serenity* between Gara'ad, Hobyo and Harardhere suggests that elements of both pirate networks had a stake in the capture. Similar to the *Faina* hijacking, this provides a logical explanation for Tiiceey's involvement in the negotiations.[40]

31. As Tiiceey requested and received USD 20,000 for his facilitation services in the *Indian Ocean Explorer* case, it can be assumed that he was also provided an incentive for brokering the hostage-pirate exchange.

Alakrana (2009)

32. Documents and communications obtained by the Monitoring Group show that Tiiceey was directly involved in an attempt to extradite two Hobyo-Harardhere sea-pirates jailed in Madrid, following their arrest on 3 October 2009 by the Spanish Navy in relation to their involvement in the hijacking of the Spanish fishing vessel '*Alakrana*' on 2 October 2009. (See strictly confidential annex 4.3.d).

Somali pirates Cabdiweli Cabdullahi ("Abdu Willy") and Mr. Raageggesey Hassan Hagi ("Raageggesey Adji Haman"), sentenced to 439 years each for their role in the hijacking of the Alakrana



33. The original letter requesting the extradition was sent from the Somali Embassy in Nairobi to the Spanish Ambassador in Nairobi on 8 November 2009 under the pretext that an extradition was required "in order to follow and complete the ongoing investigations" (see annex 4.3.e).

34. Four days later, both the Somali letter of request and the signed reply from the Spanish Ambassador addressed to then Somali Prime Minister Omar Abdurashid Sharmarke ended up in the possession of Mohamed Dhunkal Hersi, nominated by Tiiceey as Himan and Heeb Chairman and State Representative for East Africa, and Abukar Sheikh Hassan Duale, NationLink manager in Harardhere. Both men have

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[40] http://www.sail-world.com/cruising/index.cfm?nid=58867&rid=11.

been identified as notorious pirate facilitators and are in contact with senior pirates, pirate financiers and negotiators.[41]

35. Pirates Abdiweli Abdullahi ("Abdu Willy") and Raageggesey Hassan Hagi ("Raageggesey Adji Haman") were never extradited and in May 2011 they were sentenced in Spain to 439 years each for their role in the hijacking of the *Alakrana*.[42]

Lynn Rival — the Chandlers (2009-2010)

36. On 23 October 2009, Somali pirates hijacked the yacht '*Lynn Rival*' with her crew, Paul and Rachel Chandler, while sailing in the Seychelles Archipelago.

37. The Chandlers were brought on land in South Central Somalia and were held captive there by Hobyo-Harardhere pirates until their release 388 days later.

38. At a very early stage in the negotiations, when a ransom payment of USD 6 million had just been demanded, the pirates were already referring to the release of the couple. An e-mail sent by pirate negotiator 'Omar' on 27 December 2010 refers to a safe area called 'Himan and Heeb' and 'Mohamed Aden', a Somali-American who runs a town called Adado, and where he has built an airport. The e-mail further suggests making contact with 'Mohamed Aden' in order to arrange for a plane to pick up the couple after their release.[43]

39. Tiiceey was not contacted and negotiations made progress with the newly appointed pirate negotiator Ali a.k.a. 'Saneeg'.[44] On 21 April 2010, after the family of the Chandlers thought they had reached an agreement with the pirates for a sum of USD 440,000, Tiiceey made contact with them through a journalist and requested a meeting in London.[45]

40. The family agreed and a friend of theirs met with Tiiceey in London on 23 April 2010. During the meeting, Tiiceey explained that his family lived in the U.S.A., that he was educated there and that he was a resident in Kenya and Somalia. He claimed to have already assisted with two other 'hostage air operations' and that similar to those cases the pirates would release the Chandlers in his custody to arrange for a safe return to Nairobi. Tiiceey mentioned that the airport of Adado is 300 kilometers away from Harardhere, by which he seemed to indicate awareness about the location where the Chandlers were being held.[46]

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[41] Supporting evidence and letters in possession of the Monitoring Group.

[42] http://www.elmundo.es/elmundo/2009/10/30/espana/1256929137.html.

[43] Information extracted from an interview on 9 June 2014 in London, United Kingdom, with a member of the Chandler family with inside knowledge of the communications and negotiations with the pirates.

[44] Known by the Monitoring Group and identified in its 2011 reporting as Ahmed Saneeg (S/2011/433, pages 36, 40-41), a renowned Hobyo-Harardhere pirate negotiator involved or connected to many hijacking cases, such as the *Thai Union*, *Alakrana*, *Bow Asir*, *Izumi*, *York*, *Beluga Nomination*, and *Gemini*.

[45] Information extracted from an interview on 9 June 2014 in London, United Kingdom, with a member of the Chandler family with inside knowledge of the communications and negotiations with the pirates.

[46] Information extracted from an interview on 9 June 2014 in London, United Kingdom, with a member of the Chandler family with inside knowledge of the communications and negotiations with the pirates.

41. After the meeting but later that day, the family sent Tiiceey an e-mail to inquire whether he would expect any fees for his assistance, as the deal they had struck with the pirates included the couple's departure costs. To that e-mail Tiiceey replied as following:

42. "About the payment, Himan & Heeb Regional Administration are not part of the Pirates, and they don't deal or/and share money, and we are not expecting ANY payment from the Pirates or Paul and Rachel family. The only support we were offering was humanitarian support and to facilitate Paul and Rachel's save passage, so if the pirates are handling the departure of Paul and Rachel that's fine with us."[47]

43. Negotiations then got stalled for some weeks but gained momentum on 8 June 2010 when the pirates expressed readiness to proceed with the amount earlier agreed of USD 440,000. An agreement was signed and the family got back in touch with Tiiceey to make arrangements for the Chandler's release and departure.[48]

44. However, on 14 June 2010, after some communications back and forth, Tiiceey suddenly demanded USD 21,750 from the family, a payment required to cover landing fees and security he said.[49] The unexpected demand for additional funds obliged the family to suspend their deal with the pirates until they could reach an agreement with Tiiceey over his demand.[50]

45. The family eventually persuaded Tiiceey to accept an offer of USD 20,000 to cover his facilitation services. The money was sent to him on 16 June 2010 through Tiiceey's hawala agent in Nairobi, Mohamed Yusuf. This was one day before the ransom money, as agreed, was dropped near the runway of Adado airport.[51]

46. However, after Tiiceey was paid and the ransom dropped, the pirates did not release the couple and instead cut all communications. Sometime later it was assessed that some of the pirates had disagreed with the ransom amount and objected to the release. Negotiations soon resumed and started again from the beginning, with a new demand that rose up to several million dollars.[52]

47. The Chandlers were eventually released and flown out of Adado on 14 November 2010. It remains unknown how much ransom was additionally paid to secure their release.

48. Both negotiators 'Omar' and 'Saneeg' are known contacts of Tiiceey.[53]

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[47] E-mail in possession of the Monitoring Group.

[48] Agreement in possession of the Monitoring Group.

[49] In contrast Tiiceey told MPR News in 2010 that he helped raise ransom money from the Somali diaspora that led to the couple's release: http://www.mprnews.org/story/2013/10/23/mohamed-aden-arrested-belgium.

[50] Information extracted from an interview on 9 June 2014 in London, United Kingdom, with a member of the Chandler family with inside knowledge of the communications and negotiations with the pirates.

[51] Information extracted from an interview on 9 June 2014 in London, United Kingdom, with a member of the Chandler family with inside knowledge of the communications and negotiations with the pirates.

[52] Information extracted from an interview on 9 June 2014 in London, United Kingdom, with a member of the Chandler family with inside knowledge of the communications and negotiations with the pirates.

[53] Pirate negotiator Omar is known in Tiiceey's phone book as "Omar O. Lid".

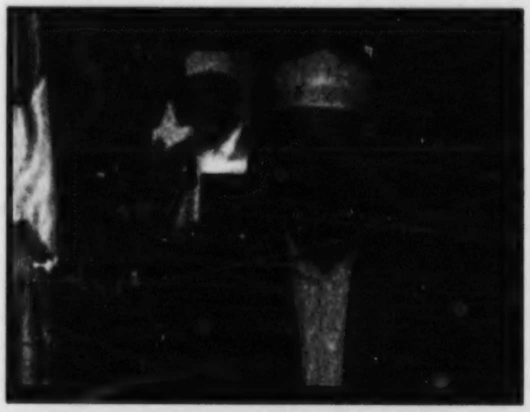
Gemini (2011)

49. On 30 April 2011, Somali pirates hijacked the Singapore-flagged chemical/oil products tanker *Gemini* approximately 180 nautical miles East of Malindi, Kenya It was held off Harardhere and released on 30 November 2011. There were a total of 25 crewmembers on board: 13 from Indonesia, 5 from China, 4 from South Korea, and 3 from Myanmar (Burma).

50. On 28 November 2011, four days before the release of the *Gemini*, USD 250,000 was transferred from Dubai, United Arab Emirates (UAE), to Mohamed Aden 'Tiiceey' in Mogadishu. The sender of the money is indicated on the transfer as "Muhammad Ali Said". Two mobile phone numbers are also indicated on the transfer, one registered in UAE and one in Singapore.[54]

51. The UAE mobile number appears in Tiiceey's phone contact list under the name of "Ambassador Olow" with an additional Indonesian mobile number and a Gmail address. The Indonesian mobile number traces back to H.E. Mohamed Olow Barow, the former Somali Ambassador to Indonesia (2007-2012) and current Minister of Fisheries and Marine Resources with the Federal Government of Somalia.[55]

Former Ambassador to Indonesia Mohamed Olow Barow



52. Communication data in possession of the Monitoring Group show that on 3 and 10 October 2011 and on 2 December 2011 the Indonesian phone number of Ambassador Olow Barow was in direct contact with Hobyo-Harardhere pirates involved in negotiating the release of the *Gemini*, more specifically with:

- The mobile phone number used by pirate negotiator Hersi Ali Mohamud (Ali Hassan), who was involved in numerous hijacking and abduction cases, including the *Gemini*.[56] Hersi Ali is a member of 'Indian Ocean Consultants' (IOC), a pirate-affiliated group and company based in Mogadishu and involved in negotiating ransom payments on behalf of Hobyo-Harardhere pirate groups (see photographs of Hersi Ali Mohamud in annex 4.3.f).

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[54] Information obtained from an identified money transfer company.

[55] http://somaliembassies.gov.so/index.php?emb=Indonesia&page=Home.

[56] As confirmed by credible military intelligence agency and several owners and operators of hijacked vessels during 2010–2011 and 2012.

- The mobile phone number used by pirate facilitator and United Kingdom national Mahad Mahamuud Nuur, Director General of IOC. Mahad Nuur operates both in Dubai and Mogadishu and extorted a USD 50,000 side payment from the ship owner of the hijacked bulk carrier *Orna* in January 2012 (see picture of Mahad Mahamuud Nuur in annex 4.3.g).
- The mobile phone number used by Mohamed Abdi Dahir, who is believed to be Hobyo-Harardhere pirate leader Hussein Jiis, also known as Hussein Mohamed Abdi, and alleged member of IOC.[57]

53. Communication data further show that on 18, 19, 26, 28 and 30 November 2011 (the day the *Gemini* was released), Tiiceey communicated with the above mentioned pirate facilitator and negotiator Mahad Mohamuud Nuur and Ali Hassan, and for that purpose used two of his known mobile phone numbers.[58]

54. Also another Indonesian contact in Tiiceey's phone book records, 'Mohamed Ali Jacfar', communicated with the *Gemini* pirate negotiator prior to the release of the vessel. In fact, as of 11 August 2011, a total of 18 telephone calls were registered between Jacfar's Indonesian mobile number and the mobile number of Ali Hassan. Again, the last call took place on the day that the *Gemini* was released (30 November 2011).[59]

55. In addition, the Monitoring Group possesses three e-mail communications dated 13 and 17 November 2011 between a pirate negotiator and an individual named "Muhammad" believed to be representing Indonesian interests.[60] The e-mails, which are written in the English language, refer to efforts to getting the Indonesian crew released and to the case being handled by Government officials. It further indicates a payment ranging between USD 350-500,000, possible financial support of Indonesian businessmen and a mediator named "Professor Ahmed Hassan", who travelled to Indonesia to finalize the case. There are also instructions for the money to be paid to the pirate negotiator in Dubai or to have Professor Ahmed Hasan send the money directly to the pirates via money transfer.[61]

56. All the elements described above strongly indicate that a side payment of USD 250,000 was transferred to Tiiceey on 28 November 2011 to ensure and facilitate the safe release of the 13 Indonesian crewmembers on board the *Gemini*, which was due to take place two days later.

57. Indeed, similar to the 7 Indian crewmembers of the hijacked tanker '*Asphalt Venture*' and the 4 South Korean crewmembers of the *Gemini*, all of whom had been kept as hostages after their vessel got released in retaliation for counter-piracy actions taken by their respective Governments, it can be assumed that the same pirate group also threatened to keep as hostages the Indonesian crewmembers of the *Gemini*, in retaliation for the 30 April 2011 incident during which Indonesian naval

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[57] Hussein Jiis' involvement was established in the hijacking of the *Orna* and the abduction of 2 Spanish MSF workers.

[58] Communication data in possession of the Monitoring Group.

[59] Communication data in possession of the Monitoring Group.

[60] Muhammad's e-mail was sent from his "Telkomsel" empowered Blackberry, a telecommunication provider based in Indonesia.

[61] E-mails in possession of the Monitoring Group.

forces killed 4 Somali pirates who were vacating the released Indonesian bulk carrier *Sinar Kudus* after a ransom was dropped on board. In fact, a Korean Government official quoted in the Korea Times confirms such a modus operandi: "Throughout the negotiations, the pirates (on the *Gemini*) have demanded compensation from our government for their killed colleagues and the release of those on trial."[62]

58. In this connection, the *Gemini*'s ship-operator stated to the Monitoring Group that he distinctly remembers a phone conversation with one of the pirate negotiators who indicated a side-payment being offered by the Indonesian Government. In addition, Captain Bak of the *Gemini* refers in his diary — which he kept during his captivity — to several statements made by pirate negotiator Ali Hassan in which he mentions money being offered by the Indonesian Government for the safe release of the Indonesian crewmembers.

59. After their release and on arrival in Jakarta airport on 9 December 2011, the legal counsel of the Indonesian hostages, Muhammad Ali, was quoted by Antara News as saying: ""But luckily, thanks to the assistance of the Indonesian government, they have now arrived back in Indonesia after being held hostage for seven months by Somali pirates."[63]

60. Both the Indonesian Government and Somali Minister Mohamed Olow Barow were informally queried on the matter. While the Somali Minister did not respond, the Indonesian Government confirmed receipt of the Monitoring Group's communication but at the time of writing was yet to provide the clarifying information requested.[64]

61. Given Tiiceey's method of operation, it has to be assumed that he demanded and negotiated a fee for facilitating the USD 250,000 money transfer and for funnelling the proceeds to the relevant Hobyo-Harardhere pirate leaders in control of the *Gemini* and its 25-member crew.

Judith Tebbutt (2011-2012)

62. On 11 September 2011, United Kingdom nationals Judith and her husband David Tebbutt were attacked by six Somali gunmen in their lodge at the Kiwayu Safari Village resort near Kiwayu Island in northern Kenya. David Tebbutt was shot dead during the assault while Judith Tebbutt was kidnapped and brought to Somalia where she would be held captive for seven months.

63. During her captivity, Judith Tebbutt was reportedly transferred or sold onwards to a pirate group active in and around Harardhere. Although moved to different locations to avoid detection, Tebbutt is believed to have been held mainly in the vicinity of Adado, where she was released on 21 March 2011 after an alleged ransom payment ranging between USD 800,000 and USD 1.1 million. Various

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[62] http://www.koreatimes.co.kr/www/news/nation/2011/12/113_99913.html.

[63] http://beta.antaranews.com/en/news/78318/twelve-former-somali-pirate-hostages-back-in-indonesia.

[64] E-mails sent to representatives of the Indonesian Government and Somali Minister Mohamed Olow Barow on, 26 June 2014 and 27 July 2014, respectively. The Indonesian Government confirmed receipt of the communication on 13 August 2014.

media reporting also referred to a second payment of around USD 140,000 for middlemen, brokers and handlers who helped negotiate the release.[65]

Judith Tebbutt picked up in Adado on 21 March 2012

64. Permission to land and pick up Judith Tebbutt at Adado was requested and as usual provided by Tiiceey himself, as President of Himan and Heeb (see landing request in strictly confidential annex 4.3.h). She was picked up in Adado and flown to Nairobi by a Beech Super King Air with Kenyan registration number 5Y-JJZ, operated by Phoenix Aviation Ltd.

65. The aircraft picking up Judith Tebbutt also carried an envelope for Tiiceey containing USD 10,000 he had demanded for obtaining his landing permission. Because Tiiceey was out of the country on 21 March 2012, the envelope was passed on, as instructed, to "Ahmed", one of Tiiceey's confidants (see photograph in annex 4.3.i).[66]

Aride (2011-2012)

66. On 30 October 2011, Somali pirates attacked and hijacked the artisanal fishing vessel '*Aride*' with its two crewmembers, Roly Tambara and Mark Songoire, at approximately 65 nautical miles northwest of Mahé, Seychelles. Soon after, it became clear that the two crewmembers were taken to Hobyo, Somalia, where they were brought on land and held hostage under control of Hobyo-Harardhere pirate leader Mohamed Osman Mohamed 'Gafanje' and pirate financier Ali Dula, also known as Ali Mohamed Ali.[67]

67. Negotiations to release Tambara and Songoire lasted a year and turned out to be extremely difficult. Demands remained unrealistically high for long periods of time, communications were often stalled and there was clearly ongoing rivalry between Gafanje and Ali Dula. During the course of the negotiations, alarming

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[65] http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/9157551/Hostage-Judith-Tebbutt-release-as-it-happened.html; http://www.thestar.com/news/world/2012/03/21/somali_gunmen_free_british_woman_after_six_months_captivity.html.

[66] As confirmed on 22 July 2014 by an individual involved in the release arrangements for Judith Tebbutt.

[67] The Seychellois fishing vessel *Aride* and its 2 crew members were the last high-value 'catch' for the pirates of the Hobyo-Harardhere pirate network.

messages and evidence was received indicating that the hostages had been subject to abuse and torture.[68]

68. Only during late September 2012, when Gafanje appointed the experienced and renowned negotiator 'Adbi',[69] did negotiations started moving forward and by the end of October 2012 agreement was reached over a final ransom payment.[70]

69. Similar to previous piracy cases, Adado once again was suggested as the place to extract the hostages, which implied a secondary negotiation with President Tiiceey. More demanding than before, Tiiceey rejected an initial offer of USD 25,000 to permit an aircraft to land and pick up the hostages, an amount that was thought he had received in the Chandlers' case. Instead, he demanded USD 90,000 for the same service, an amount subsequently paid to him in cash in Nairobi. However, on the agreed day of transfer of the hostages, Tiiceey delayed the arrangements for their release and requested another USD 30,000, which was unavoidably paid to him again in cash and in Nairobi.[71]

70. In a letter dated 30 October 2012, the Seychelles Minister of Home Affairs and Transport requested the use of Adado airport for the release of the two hostages between 1 and 4 November 2012. Only on 3 November 2012 did Tiiceey respond, permitting the over flight and landing of the aircraft in Adado on 3 and 4 November 2012 (correspondence in strictly confidential annex 4.3.j).

71. A short time later, and after a reported ransom drop of USD 5 million, Seychelles nationals Roly Tambara and Mark Songoire were picked up at Adado airport by a Cessna 210 with registration number 5Y-BHT, operated by Helliprops Ltd., and flown to Nairobi, Kenya. Their release was announced in the media on 4 November 2012.[72]

Real landing fees and security surcharges at Adado Airport

72. On the basis of revenue generation for the Himan and Heeb Administration, Tiiceey sent out a 15 May 2013 directive addressed to airline companies Central Air and Jubba Airways, instructing payment of the following landing and security fees (see strictly confidential annex 4.3.k):

1. USD 5 from each ticket sold
2. USD 1 from each sack of outgoing goods
3. Security fees:
    a. 50 seating capacity: USD 50 per flight
    b. 100 seating capacity: USD 70 per flight
    c. 150 seating capacity: USD 100 per flight

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[68] Information obtained from law enforcement source on 12 October 2012.
[69] Also known as Abdullahi Jareer, Jabril or Abdullahi Farah Qarey.
[70] Information obtained from different sources with inside knowledge of the negotiations.
[71] Information obtained from law enforcement source on 22 January 2013.
[72] http://www.reuters.com/article/2012/11/04/us-somalia-piracy-idUSBRE8A30EC20121104.

Legal cover for pirate leadership and facilitators

73. In its previous report (S/2013/413, paragraph 58), the Monitoring Group expressed concern about a 28 February 2013 letter from the FGS President, which confirmed his intention to offer partial amnesty to young pirates but emphasized that the amnesty would not apply to pirate kingpins, who had financially benefitted most.

74. However, a letter dated 6 January 2013 from Mohamed Aden 'Tiiceey' to the FGS indicates the opposite. The letter refers to an earlier "signed general agreement" with the Transitional Federal Government (TFG) and in that context notifies the FGS of the nomination of renowned and senior pirate leader Mohamed Osman Mohamed 'Gafanje' as "First Deputy of the Piracy Advisor Committee to the Himan and Heeb President". The letter further requests the FGS to extend to Gafanje all possible assistance, thereby introducing an effective amnesty for him.[73]

75. Tiiceey's letter of 6 January 2013 was sent 8 weeks after the Seychelles Government informed him that Mohamed 'Gafanje' was holding hostage two of their nationals, and 3 days before he organized a press conference in Adado where both Afweyne and Gafanje denounced their involvement in piracy. Moreover, in January 2013 Gafanje was still holding hostage dozens of individuals.[74]

76. Later in January 2013, Tiiceey sent similar letters on behalf of senior pirate leaders Mohamed Abdi Hassan 'Afweyne' and his son Abdikadir Mohamed Abdi, notifying the FGS of their nomination as 'Piracy Advisor' and 'Secretary of the Pirate Advisor', respectively, of Himan and Heeb.[75]

The Chairman of the 'Somali Anti-Piracy Agency', Mohamed Abdi Hassan 'Afweyne', speaks at the Agency's annual meeting in Mogadishu in September 2013

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[73] Letter in possession of the Monitoring Group.

[74] In January 2013, Mohamed 'Gafanje' was reportedly holding hostage American-German journalist Michael Scott Moore, Kenyan aid workers Janet Muthoni Kanga, Martin Mutisya Kioko and Abdinoor Dabaso Bor, and 28 crewmembers of the hijacked fishing vessel *Naham 3*. At the time of writing (early August 2014), only the 3 Kenyan aid workers had been released from captivity on 5 June 2014, after an alleged payment of a ransom.

[75] Letters in possession of the Monitoring Group.

77. These communications illustrate that neither the FGS nor local administrations in Somalia have any intent to pursue pirate leaders, most who have been identified and are well known to them. On the contrary, there have been creative efforts to provide a legal cover for piracy crimes committed under the guise of a so called 'pirate rehabilitation program', which was only established after the pirates realized that they were no longer able to hijack any ships and needed to change their tarnished image in order to become accepted as respectable businessmen.[76]

78. Tiiceey, who supported pirates and pirate facilitators and benefitted from their activities since he came to power, sent several letters to the TFG and FGS over the years requesting the issuance of diplomatic passports for individuals he claimed were associated with the Himan and Heeb administration. However, some of these individuals, such as Abdullahi Dirie Abtidoon (Himan and Heeb Religious Advisor) and Abdi Takiye Farah (Himan and Heeb Minister of 'Finance'), are found to have been connected to activities of Somali piracy.[77]

Pirate communications

79. The limited communication data available to the Monitoring Group nevertheless show that Tiiceey over the past several years directly communicated with pirates active in the Hobyo-Harardhere piracy network, or people directly connected or involved with Hobyo-Harardhere pirates. For that purpose Tiiceey was using at least three of his mobile numbers, including his one registered in the U.S.A.[78]

80. Tiiceey's phone book registers 149 individuals that directly or indirectly connect to activities of Somali piracy, including well known pirate leaders, financiers, negotiators and facilitators, such as Mohamed Abdi Hassan 'Afweyne', Abdi Beenlow a.k.a. Sugulle Ali, Abdullahi Mohamud Kulane 'Buundo', Abdullahi Mohamed Jama 'Faraxow', 'Hawo Five', Mohamed Osman Mohamed 'Gafanje', Galad Aden Tahlil, Mohamed Musse 'Guusha', Abdullahi Farah Qarey (Abdi), Mohamed Abdi Olad, Ahmed Saneeg, and Abdikadir Mohamed Abdi.[79]

Central Air

81. In addition to conspiring in piracy activities, Tiiceey has been identified as a business partner of Mohamed Abdi Hassan 'Afweyne' in his airline company Central Air Aviation established in 2012 (see annex 4.6 for a case study on Central Air Aviation).

82. Tiiceey is believed to have offshore bank accounts, as well as bank accounts in Kenya, Somalia, UAE and the U.S.A.

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[76] The 30 October 2012 hijacking of the Seychellois fishing vessel '*Aride*' with its two crewmembers would be the last high-value 'catch' for the pirates of the Hobyo-Harardhere piracy network.

[77] 2011-2012 and 2013 letters in possession of the Monitoring Group.

[78] Information obtained from law enforcement source on 12 March 2012.

[79] Information obtained from law enforcement source on 10 March 2014.

Annex 4.3.a: *Stella Maris* "Crew Evaluation Forms" (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.b: Attachment to a 25 January 2009 e-mail sent by "Major Yahya" to Mohamed Aden "Tiiceey" (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.c: Attachment to a 24 June 2009 e-mail sent by a Seychelles Government official to Mohamed Aden "Tiiceey" (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.d: Letter from the Government of Spain to Mohamed Aden "Tiiceey" (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.e: Letter from the Somali Embassy in Nairobi dated 8 November 2009 (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.f: Photographs of pirate negotiator Hersi Ali Mohamud

Pirate negotiator Hersi Ali Mohamud, also known as "Ali Hassan"[80]

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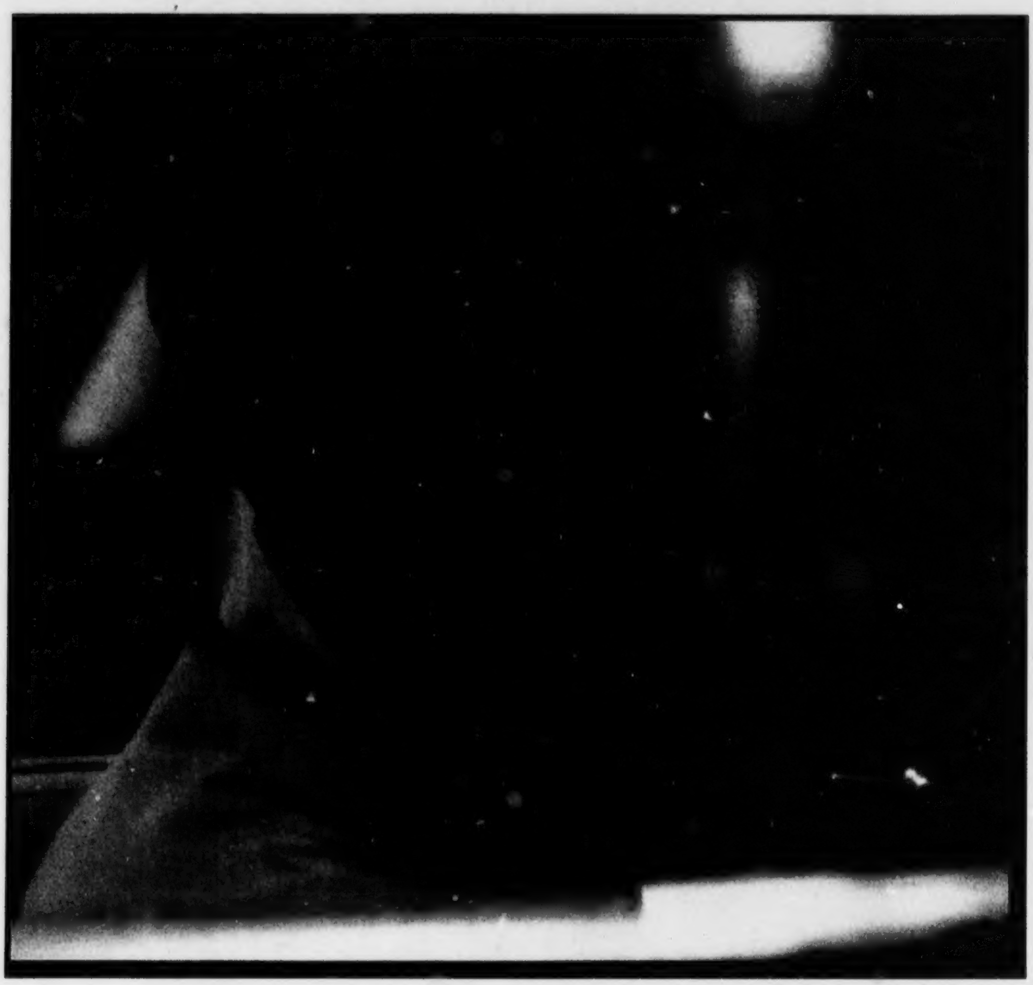
[80] Member of Indian Ocean Consultants pirate facilitation and negotiation company. In addition to the *Gemini* hijacking, Hersi Ali Mohamud's involvement has been established and suspected in multiple other hijacking and abduction cases, including but not limited to the hijacking of the Rak Afrikana (2010-2011) (attempt), *Asphalt Venture* (2010-2011), *Orna* (2010-2012) and the abductions of Britsh national Judith Tebbutt and 2 Spanish MSF aid workers.

Annex 4.3.g: Photograph of pirate facilitator Mahad Mahamuud Nuur

Indian Ocean Consultants' Director General, Mahad Mahamuud Nuur, a.k.a. "Nasser"[81]



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[81] In addition to the *Gemini*, Mahad Mahamuud Nuur's involvement has been established in the hijacking of the *Orna* (2010-2012) and *Choizil* (2010-2012).

Annex 4.3.h: Request for landing clearance at Adado (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.i: Photograph of Tiiceey's confidant, "Ahmed"

"Ahmed", with lilac outfit and glasses, escorted the released pirate hostage Judith Tebbutt to the awaiting aircraft and took receipt of USD 10,000 on behalf of pirate facilitator Mohamed Aden 'Tiiceey'

Annex 4.3.j: Letter of the Seychelles Government and letter of reply from Mohamed Aden 'Tiiceey' (STRICTLY CONFIDENTIAL)*

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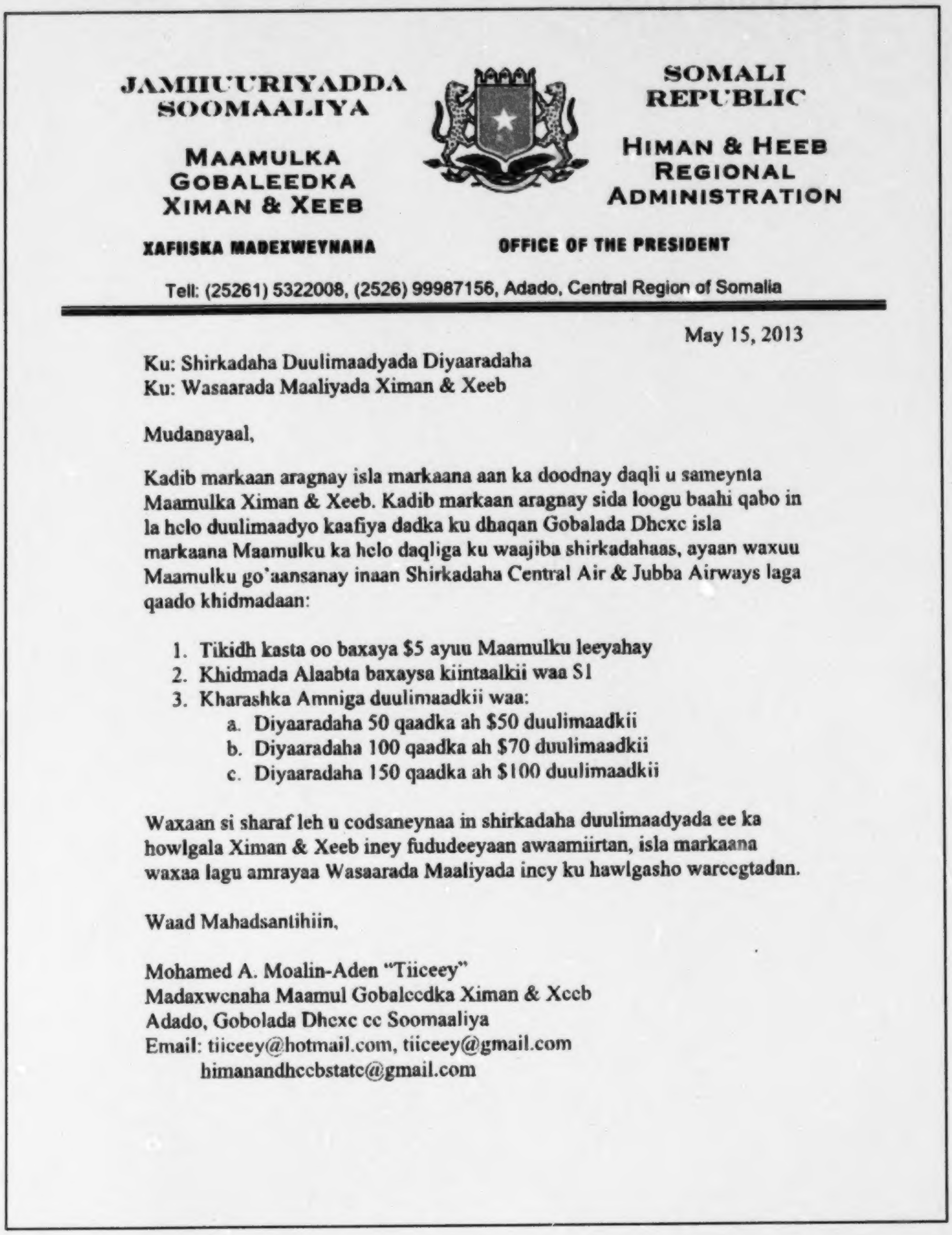
* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.3.k: Letter to Central Air and Jubba Airways indicating landing fees for Adado airport



JAMHUURIYADDA SOOMAALIYA

MAAMULKA GOBALEEDKA XIMAN & XEEB

XAFIISKA MADEXWEYNAHA

SOMALI REPUBLIC

HIMAN & HEEB REGIONAL ADMINISTRATION

OFFICE OF THE PRESIDENT

Tell: (25261) 5322008, (2526) 99987156, Adado, Central Region of Somalia

May 15, 2013

Ku: Shirkadaha Duulimaadyada Diyaaradaha
Ku: Wasaarada Maaliyada Ximan & Xeeb

Mudanayaal,

Kadib markaan aragnay isla markaana aan ka doodnay daqli u sameynta Maamulka Ximan & Xeeb. Kadib markaan aragnay sida loogu baahi qabo in la helo duulimaadyo kaafiya dadka ku dhaqan Gobalada Dhexe isla markaana Maamulku ka helo daqliga ku waajiba shirkadahaas, ayaan waxuu Maamulku go'aansanay inaan Shirkadaha Central Air & Jubba Airways laga qaado khidmadaan:

1. Tikidh kasta oo baxaya $5 ayuu Maamulku leeyahay
2. Khidmada Alaabta baxaysa kiintaalkii waa S1
3. Kharashka Amniga duulimaadkii waa:
    a. Diyaaradaha 50 qaadka ah $50 duulimaadkii
    b. Diyaaradaha 100 qaadka ah $70 duulimaadkii
    c. Diyaaradaha 150 qaadka ah $100 duulimaadkii

Waxaan si sharaf leh u codsaneynaa in shirkadaha duulimaadyada ee ka howlgala Ximan & Xeeb iney fududeeyaan awaamiirtan, isla markaana waxaa lagu amrayaa Wasaarada Maaliyada iney ku hawlgasho waregtadan.

Waad Mahadsantihiin,

Mohamed A. Moalin-Aden "Tiiceey"
Madaxwenaha Maamul Gobaleedka Ximan & Xeeb
Adado, Gobolada Dhexe ee Soomaaliya
Email: tiiceey@hotmail.com, tiiceey@gmail.com
himanandheebstate@gmail.com

Annex 4.4: Photographs of protests against pirate arrests

83. Following the arrests in Belgium on 12 October 2013 of pirate kingpin Mohamed Abdi Hassan 'Afweyne' and pirate facilitator Mohamed Adullahi Moalim-Aden 'Tiiceey', who are being prosecuted for suspected membership in a criminal organization and involvement in the 2009 hijacking of the Belgian stone carrier *Pompeii*, several protest marches were held in Adado and Godinlabe, denouncing the imprisonment of both individuals.

Adado, Somalia, 15 October 2013:[82]

Demonstrators holding posters with pictures of Mohamed Abdi Hassan 'Afweyne' stating "Ma, ahan burcad badeed", meaning "He is not a pirate"

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[82] http://www.goboladaradio.com/?p=18514; http://www.deegaan.com/?p=21025; https://www.youtube.com/watch?v=zw97FVBN5o4.

Demonstrators holding posters with Belgian flags stating "Biljam, muwaadinka Soomaaliyeed waxa ay ku haysato waa khalad, usoo celiya xoriyadiisa???", meaning "Belgium is wrongly holding the Somali national, give him his freedom"[83]

Xafiiska Xiriirka
Kubadda Cagta ee
Degmada Cadaado

Demonstrators holding posters stating ""Burcad badeed waqtigeedii wuu dhamaaday", meaning "The era of piracy is over"

BURCAD BADEED
WAQTIGEEDII
WUU
DHAMAADAY

---

[83] Both Himan and Heeb Vice President 'Abdi Mohamed Sultan Ahmed Nur' and Interior Minister Hassan Abdullahi Mohamed attended the protest and spoke to the participants at the rally.

Godinlabe, Somalia, 17 October 2013:[84]

Demonstrators holding posters with pictures of Mohamed Abdi Hassan 'Afweyne' stating: "Noo Soo Daaya, meaning "Let him free"

Noo soo Daaya
Noo Soo Daaya

Interview with local elder

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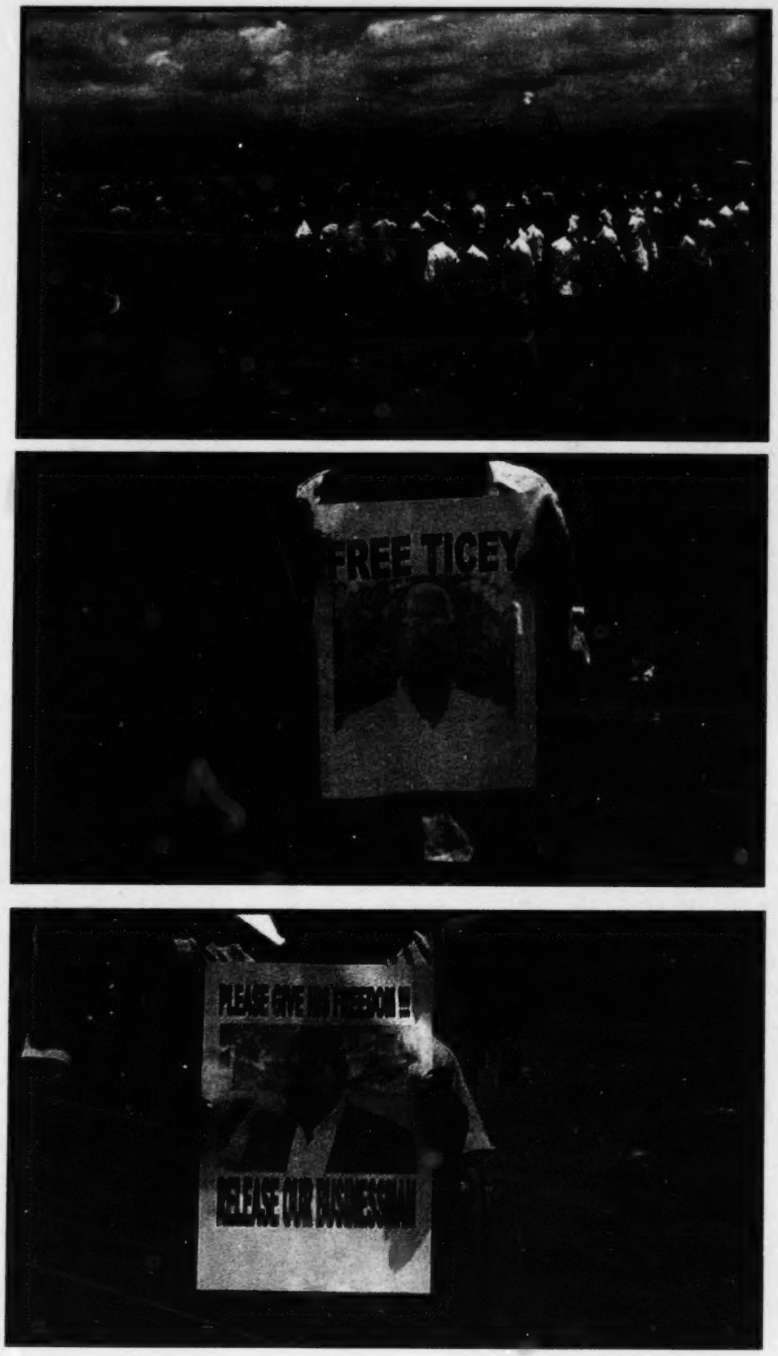
[84] http://www.goboladaradio.com/?p=18583.

Adado, Somalia, 22 October 2013:[85]


FREE TICEY
PLEASE GIVE HIM FREEDOM !!
RELEASE OUR BUSINESSMAN

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[85] http://www.goboladaradio.com/?p=18839.

Adado, Somalia, 11 November 2013:[86]

Women and children were also summoned to join the protests to increase the number of demonstrators

PLEASE GIVE HIS FREEDOM !!
PLEASE GIVE HIS FREEDOM !!

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[86] http://www.goboladaradio.com/?p=19464.

Adado, Somalia, 23 November 2013:[87]

Religious men and disabled individuals attended a rally held in Adado on 23 November 2013 in protest of the unlawful arrest of businessman/diplomat 'Afweyne' and the politician 'Tiiceey'. The protest was broadcast on Somali National TV (SNTV) on 24 November 2013[88]

Mogadishu Times, interview with the wife of Mohamed Aden 'Tiiceey', posted on 12 February 2014:[89]

Shamsa Abtidoon Mohamed, who appealed to the Somali-American diaspora and the United States Government for their intervention, demanded Tiiceey's immediate release

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[87] http://www.goboladaradio.com/?p=19902.

[88] https://www.youtube.com/watch?v=Da2HjnPJlfA.

[89] https://www.youtube.com/watch?v=zeBPvVtYUbY.

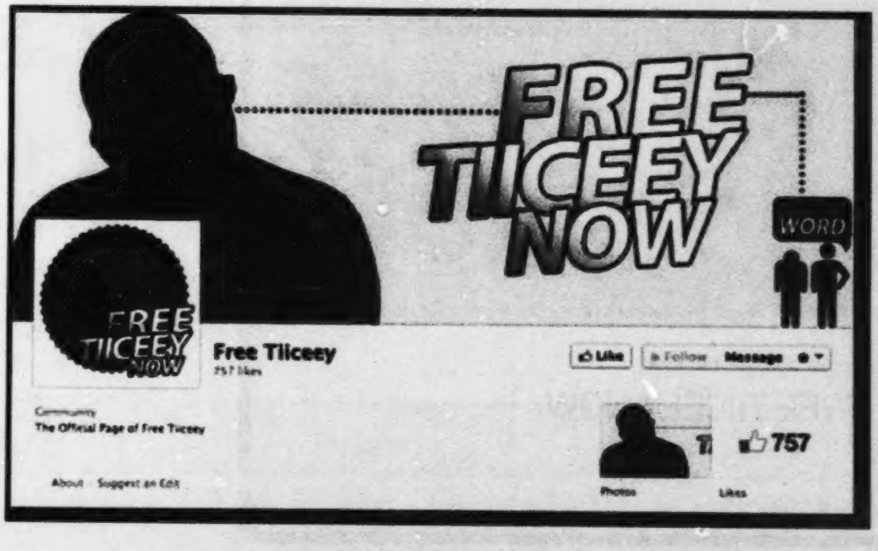
Safari Hotel, Minnesota, U.S.A., 1 March 2014:[90]

Members of the Hawiye / Habar Gidir clan, family, friends and Iman Sheikh Hassan Mohamud 'Jamici' of the Islamic Daw'ah Institute mosque in St. Paul, Minneapolis, speaking at the "Minnesotans for Tiiceey' event

MINNESOTANS
FOR TIICEEY
FREE TIICEEY

"Free Tiiceey Now" Facebook Page created on 17 October 2013[91]

The "Free Tiiceey Now" Facebook Page refers to the "Free Tiiceey Now" Twitter account and the online petition at "change.org"[92]


FREE
TIICEEY
NOW
WORD
FREE
TIICEEY
NOW
Free Tiiceey
757 likes
Like
Follow
Message
Community
The Official Page of Free Tiiceey
About
Suggest an Edit
757
Photos
Likes

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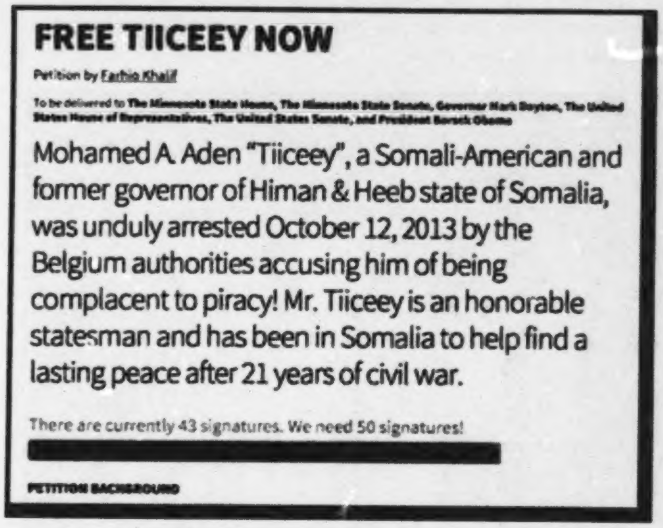
[90] https://www.youtube.com/watch?v=lI1TJqSnr_8.

[91] https://www.facebook.com/pages/Free-Tiiceey/205438112971041.

[92] https://twitter.com/FreeTiiceeyNow.

Online petition at "MoveOn.org" with first signee Farhio Khalif on 15 March 2014:[93]



FREE TIICEEY NOW

Petition by Farhio Khalif

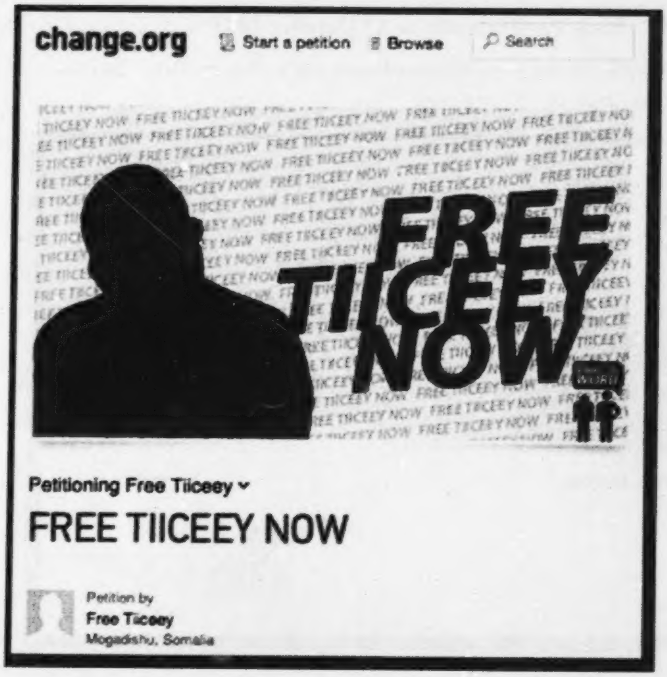
To be delivered to The Minnesota State House, The Minnesota State Senate, Governor Mark Dayton, The United States House of Representatives, The United States Senate, and President Barack Obama

Mohamed A. Aden "Tiiceey", a Somali-American and former governor of Himan & Heeb state of Somalia, was unduly arrested October 12, 2013 by the Belgium authorities accusing him of being complacent to piracy! Mr. Tiiceey is an honorable statesman and has been in Somalia to help find a lasting peace after 21 years of civil war.

There are currently 43 signatures. We need 50 signatures!

PETITION BACKGROUND

Online petition created in October 2013:[94]



Petitioning Free Tiiceey

FREE TIICEEY NOW

Petition by
Free Tiiceey
Mogadishu, Somalia

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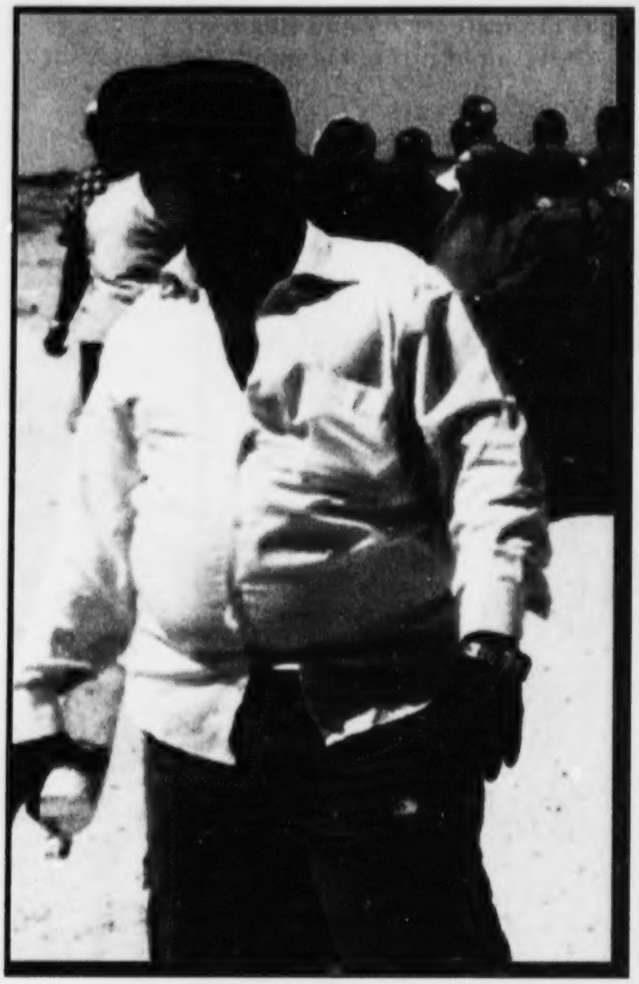
[93] http://petitions.moveon.org/sign/free-tiiceey-now.

[94] http://www.change.org/petitions/free-tiiceey-free-tiiceey-now.

Annex 4.5: Photographs of pirate leader and financier Abdikadir Mohamed Abdi (son of pirate kingpin Mohamed Abdi Hassan 'Afweyne')



Annex 4.6: Central Air Aviation

84. On 19 May 2012 at 1:00 PM, a white Dornier 228 cargo-passenger aircraft with registration number 5Y-BWN flying from Mogadishu landed at the airstrip of Adado, capital of Himan and Heeb regional administration in Galgaduud, Somalia.[95]

85. It was reportedly the first flight of the newly established regional passenger airline company 'Central Air Aviation' (hereafter "Central Air"), owned by pirate kingpin Mohamed Abdi Hassan 'Afweyne' in partnership with other individuals who maintained close ties to Somali pirates, including Ali Mohamud Ali, the finance manager of the company, and Mohamed Abdullahi Moalim-Aden 'Tiiceey', the former President of Himan and Heeb.[96]

86. Between 2012 and 2014, Central Air was found to be operating multiple aircraft in cooperation with several foreign airline companies in Kenya and Kyrgyzstan, and had established offices throughout Somalia. With limited data available, the Monitoring Group nevertheless found that Central Air conducted at least 117 flights between 19 May and 31 December 2012, its first year of operation, and at least 542 flights between 3 January and 30 September 2013.

Central Air's Dornier 228 landing at Adado airport on 19 May 2012

Transition from pirate leader to CEO

87. Afweyne was one of many who realized that the lucrative period of Somali piracy had come to an end, and he took full advantage of the continuing absence of international sanctions and any form of prosecution in Somalia to diversify his interests and engage in other business activities.

88. Indeed, the prevailing climate of impunity enabled Afweyne to invest the proceeds he had illegally accumulated during the past decade in the newly established airline company Central Air, and it enabled others to partner with him unhindered.

89. In this regard, Afweyne and his business partners conveniently denounced piracy publicly and spread a counter-piracy media and propaganda campaign in

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[95] The Dornier DO-228 is a twin turboprop light transport aircraft with low operating cost and adaptable for a wide variety of roles.

[96] http://www.somalinet.com/forums/viewtopic.php?f=25&t=308422; and http://galobalnews.com/?p=4016.

order to convince those inside and outside Somalia sceptical of their newly minted good intentions. Rebranding Afweyne's image paved the way for the unimpeded laundering of piracy proceeds as he assumed the role of a respected and legitimate businessman and diplomat (see S/2013/413, paragraphs 56-59).

Aircraft used by Central Air

Dornier 228 (5Y-BWN) and Embraer 120 Brasilia (5Y-FAE and 5Y-FAM)

90. Afweyne entered into a business arrangement with the Somali-Kenyan owners of Freedom Airline Express Ltd., based at Wilson Airport, Nairobi, Kenya. On a regular basis in 2012, he chartered from Freedom Airline Express two aircraft, a Dornier 228 with registration number 5Y-BWN and an Embraer 120 Brasilia with registration number 5Y-FAE (see photographs of the aircraft in annex 4.6.a). Officially, Central Air operated the Dornier 228 only once in 2012, when it flew from Nairobi to Adado via Mogadishu, but the aircraft also conducted 59 anonymous *khat* flights from Wilson Airport, Nairobi, to Somalia, and 2 other flights were registered as operated by the owner of the aircraft, Freedom Airline Express.[97] Since Afweyne had been running a *khat* business for some time[98] and since both airlines were operating as a joint venture in 2012,[99] the 59 *khat* flights appear to have involved Central Air as well.

91. Shortly after its first official flight on 19 May 2012, Central Air began operating the Embraer 120 Brasilia (registration number 5Y-FAE), and conducted a total of 74 flights between 26 May and 29 December 2012.[100] Central Air was then fully operational. Most of the 5Y-FAE flights were conducted between Nairobi and Adado, with one exception on 15 September 2012, when the aircraft landed in Guri'el. In between Central Air operations, the aircraft was also regularly used — 21 times — by the Federal Government of Somalia (FGS) and on some occasions by other Wilson Airport-based airlines.[101]

92. In 2013, Central Air continued operating the Embraer 120 Brasilia (5Y-FAE), though to a lesser extent. Between 26 January and 28 September 2013, 34 flights were registered, the great majority destined for Guri'el. However, the volume of joint operations with Freedom Airline Express remained substantially the same, since Central Air began using a third aircraft belonging to that airline, another Embraer 120 Brasilia (registration number 5Y-FAM). Between 5 January and 24 August 2013, Central Air conducted 33 flights with this aircraft (see photograph of the aircraft in annex 4.6.b).[102]

'Blue Goose' (EX-18006)

93. While in business with Freedom Airline Express, Afweyne sought to expand his enterprise and operate a larger passenger aircraft to conduct regular flights throughout Somalia. In October 2012, aviation broker Ahmed Biite of Sahura

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[97] Flight registration details in possession of the Monitoring Group.

[98] http://www.nytimes.com/2011/10/09/magazine/taken-by-pirates.html?pagewanted=all&_r=0

[99] Letter dated 11 July 2012 from Mohamed Aden Tiiceey and addressed to "Central Air/Freedom Air Administration" in possession of the Monitoring Group.

[100] The Embraer 120 Brasilia is a 30-seat short haul commuter aircraft featuring high cruise speed and low operating costs.

[101] Flight registration details in possession of the Monitoring Group.

[102] Flight registration details in possession of the Monitoring Group.

Airways introduced Afweyne to Gennady Griaznov, the owner of Sky KG Airlines, an airline company based in Bishkek, Kyrgyzstan, which was advertising the lease/sale of their 1969-built Ilyushin-18 aircraft.[103] Griaznov offered Afweyne to lease the 84-seater aircraft and sent him a contract proposal through Ahmed Biite, which led to a 14 November 2012 Wet Lease Agreement signed by both parties (see annex 4.6.c).[104]

94. Around 23 November 2012, the Ilyushin-18 aircraft with registration number EX-18006, which in a previous incarnation reportedly served as the Presidential aircraft of the late Romanian leader Nicolae Ceausescu, was flown to Berberra, where it was refuelled, loaded with cargo and flown to Mogadishu, becoming operational thereafter by its Somali nickname 'Blue Goose'.[105]

Central Air's 84-seater IL-18 passenger aircraft 'Blue Goose' on arrival at Mogadishu International Airport on 11 August 2013[106]

95. Already by 31 December 2012, 'Blue Goose' had undertaken 40 flights to seven different destinations in Somalia. On average, the aircraft was operational every other day and flew to Adado, Baidoa, Berberra, Galkayo, Kismayo, Mogadishu, and on one occasion to Garowe. In 2013, Afweyne increased the operations of the Ilyushin-18, which flew nearly every day to the same destinations, and exceptionally to Hargeisa, and even Djibouti on 4 August 2013.

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[103] http://centreforaviation.com/data/fleet/myairlease_ILYUSHIN_187009904.

[104] The 14 November 2012 Wet Lease Agreement was later amended and re-signed on 29 January 2013, and another annex was added on 31 January 2013.

[105] Interview with Gennady Griaznov of Sky KG Airlines in Bishkek, Kyrgyzstan, on 28 January 2014.

[106] http://www.jetphotos.net/viewphoto.php?id=7679924.

'Blue Goose' EX-18006 boarding passengers at Kismayo on 13 December 2012

96. At present, there is no indication that the arrest of Afweyne in October 2013 has affected the operations of Central Air, which is now believed to be functioning under the supervision of his son, Abdikadir Mohamed Abdi. Indeed, in 2014, Central Air continued operating 'Blue Goose', which is a conspicuous sight not only at Aden Adde International Airport in Mogadishu, but elsewhere in Somalia.

97. The aircraft can accommodate 84 individuals per flight. A one-way ticket is sold for around USD 80.[107] Since November 2012, the monthly lease of the Ilyushin-18 EX-18006, which seems to vary between USD 45,000 and 50,000, is paid to Sky KG Airlines either by money transfer or cash handover in Dubai, UAE.[108]

Fokker F-27 (5Y-SIB)

98. A white Fokker F-27 with registration number 5Y-SIB is another aircraft operated by Central Air. It had been repainted and bears the company logo. The aircraft is owned by Skyward Express Ltd. and leased to its affiliate Skyward International Aviation Ltd.,[109] both Somali-Kenyan airlines with offices at Wilson Airport, Nairobi, and believed to be associated with Freedom Airline Express. Flight data obtained for the aircraft indicates 65 registered flights conducted between 10 September and 27 November 2013 and 182 flights conducted between 1 January and 28 June 2014 (see additional photographs of the aircraft in annex 4.6.d).[110]

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[107] http://www.theafricanaviationtribune.com/2013/03/somalia-despite-ongoing-war-somali.html.

[108] Money transfers in possession of the Monitoring Group. Also, interview with Mr. Griaznov of Sky KG Airlines in Bishkek, Kyrgyzstan, on 28 January 2014.

[109] Skyward Express Limited and Skyward International Aviation Limited are affiliated companies through their shareholders.

[110] Information obtained from the International Civil Aviation Organization (ICAO) on 29 April and 31 July 2014.

Central Air's Fokker F-27 at Adado airport on 9 October 2013

99. According to his Facebook account, the operations manager of Skyward International Aviation is Mahat Nur Geele. Mahat Nur's e-mail address was one of the two recipients of a 24 January 2012 e-mail containing a pirate release agreement for the December 2010 hijacked general cargo vessel *Orna*. The e-mail was subsequently forwarded by the second recipient to the pirate negotiator of the *Orna*, Hersi Ali Mohamud, a member of the pirate negotiation company Indian Ocean Consultants (see annex 4.3 and 4.3.f.).

100. On Facebook, Mahat Nur is 'friends' with pirate negotiator Galad Aden Tahlil (see annex 4.7), pirate facilitator Mohamed Abdi Olad (see annex 4.7.) and several other individuals associated with pirates or piracy activities.

Mahat Nur Geele disembarking from Central Air's 'Blue Goose'

101. One of those individuals is Abdulkadir Ali Jahaf 'Gaarrah',[111] who arrived as a refugee in Belgium three years ago, and is a member of the Abdi Isse/Omar Mohamud clan. He is known in Galkaayo as a pirate leader associated with renowned pirate leader and financier Abdullahi Ahmed Haji Farah 'Abdi Yare' (see annex 4.7).

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[111] Abdulkadir Ali Jahaf's formal name is Abdulkadir Ali Abdille Ali, nicknamed 'Gaarrah'.

102. Gaarrah is believed to be residing in Gent, Belgium, while his brothers are managing his businesses in Somalia. One of his brothers, Gifaan Ali Jahaf, has been found by the Monitoring Group to be in contact with Ahmed Diriye Abdile, a pirate facilitator residing in the UAE who maintains a financial relationship with 'Abdi Yare' and other individuals involved in piracy (see annex 4.7.).

103. On Facebook, Gaarrah displays several pictures of himself in Belgium and the Netherlands. In one of the pictures, taken in Gent, he features as a player of a Somali football team sponsored by SOBSI, a Belgian-subsidized non-profit local community organization run by a Somali-Belgian residing in the UAE, Abdirashid Issa Noah, who features in the same picture. The Monitoring Group has found that Noah is involved in the United Nations-banned Somali charcoal business and maintains close connections with radical Islamist leaders (see annex 9.2 and 9.2.f).

104. Another picture displayed by Gaarrah on 29 April 2012 shows him with Ismail Ahmed Qaali (Abdirashid Issa Noah's brother-in-law) and General Abdullahi Said Samatar, a former Puntland Minister for Internal Security, who was previously identified by the Monitoring Group (S/2010/91, paragraph 137) for having "received proceeds from piracy and/or kidnapping". This picture was apparently taken in Belgium as well.[112]

105. Other Facebook 'friends' of Abdulkadir Ali Jahaf include Central Air's representative in Garowe, Ali Yusuf Jama (see the section on "management and offices" below) and pirate facilitator Ahmed Diriye Abdile (S/2012/544, strictly confidential annex 4.4). Notably, Ali Yusuf Jama also displayed a picture of himself on Facebook with General Abdullahi Said Samatar in Garowe.

Fokker F-27 (5Y-VVJ)

106. Another Fokker F-27 with registration number 5Y-VVJ is believed to be Afweyne's long time *khat* carrier, which he used for transporting the stimulant from Wilson Airport, Nairobi, to Adado. The aircraft is owned by the Somali-Kenyan airline Bluebird Aviation Ltd., based at Wilson Airport and reportedly associated with Freedom Airline Express and Skyward Express. While at least one flight of the aircraft has been registered as operated by Central Air, most of the data obtained simply registers Blue Bird Aviation as the operator.[113]

107. On 20 April 2014, when landing at Guri'el, the aircraft overran the runway and came to a stop on rough terrain, suffering significant damage. The tail number of the Fokker F-27, which was transporting a cargo of six tons of *khat*, was reportedly painted out (see pictures of the aircraft in annex 4.6.e).[114]

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[112] https://www.facebook.com/photo.php?fbid=424451780916492&set=pb.100000550219140.-2207520000.1407694444.&type=3&theater.

[113] The 5Y-VVJ Central Air-operated flight was registered on 19 January 2013, flying from Adado to Wajir (Kenya). Further but incomplete 2013 flight data for the aircraft indicates 12 additional flights between 19 January and 9 August 2013, 44 flights in October 2013 and 62 in November 2013, nearly all flying between Wilson Airport, Nairobi, and Adado, with the owner, Bluebird Aviation, registered as the operator. It is assumed that all flights to Adado were carrying *khat*.

[114] http://www.avherald.com/h?article=4741588a&opt=0&utm_source=twitterfeed&utm_medium=twitter; http://www.aeroinside.com/item/4070/blue-bird-f50-at-guriceel-on-apr-20th-2014-overran-runway.

Other aircraft used by Central Air

108. Central Air rented 3 aircraft from the Wilson Airport-based airline company Capital Airlines Ltd. on 7 and 17 January, 19 February and 14 March 2014, including two Beech King Air's with registration numbers 5Y-NKI and 5Y-JAI, and another, as yet unidentified, aircraft with registration number 5Y-JKL. All 3 aircraft were indicated as being used for the transportation of 'cargo'.[115]

109. In reply to the Monitoring Group's request for additional information, the Managing Director of Capital Airlines stated that he has never known any company called Central Air or Central Air Aviation, nor is he familiar with the aircraft registration number 5Y-JKL. He confirmed, however, ownership of the Beechcraft 5Y-NKI and 5Y-JAI, but said the company does not lease out the aircraft.[116] Capital Airlines also confirmed that on the specified dates both aircraft were carrying cargoes of *khat* from Wilson Airport to Mogadishu, but that it does not know who owns the *khat* cargoes, shipments of which are exclusively managed by their Somali-Kenyan cargo manager, Adan Abdullahi Abdi, who handles all their Somali operations.

110. However, the nature of the cargoes and the fact that the Beechcraft flights were registered in Mogadishu as operated by Central Air, suggests that they were related to Afweyne's *khat* business. Moreover, investigations have revealed that the Capital Airlines cargo manager is in contact with Afweyne, his son Abdikadir, and Hiray Abdi Hashi, a suspected Harardhere pirate facilitator in close contact with many individuals involved in piracy, including Afweyne himself.

Central Air publicity

111. Central Air has been advertised to the public by various means, including on the internet through the company's website, 'centralairaviation.com'. The website — which is no longer active — provided a "company profile", and information about Central Air's "community involvement", "employees", "schedules" and "flight destinations".[117]

112. The website was created and registered on 6 May 2013 by 'Hassan Ali' of Cawaale Printing and Technology in Mogadishu, a known pirate facilitator and negotiator affiliated with the pirate negotiation company Indian Ocean Consultants (see S/2012/544, strictly confidential annex 4.3), whose website he registered as well.

113. The Monitoring Group has identified 'Hassan Ali' as Hassan Ahmed Ali, also known as Hassan Macsharo, the brother of pirate facilitator and United Kingdom national Abdirahim Ahmed Ali (see photograph of Hassan Ahmed Ali in annex 4.6.f).

114. Central Air also managed the Facebook Page "Central Air", where it provided the company's address in Mogadishu, contact details, and some pictures of the Speaker of the Federal Parliament of Somalia travelling on one of their aircraft. In

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[115] Information obtained on 9 April 2014 from a reliable contact within Somalia and with inside knowledge of Somali airspace operations.

[116] Reply to the Monitoring Group received via e-mail on 25 July 2014.

[117] Centralairaviation.com is no longer active due to "Bandwidth Limit Exceeded".

the meantime the Facebook Page has been closed down or is no longer available (see screen shots of the Facebook Page in annex 4.6.g).

115. Another Facebook Page, which is likely connected to Central Air, is "Central Air Somalia", created on 12 February 2013 and with a registered address in London, United Kingdom.[118] The address and phone number appearing on the Page are also in London and assigned to the charity organization Somali Relief And Islamic Cultural Centre.[119] The Facebook Page displays flight destinations inside and outside Somalia, and one person 'liking' Central Air Somalia is an adolescent from Mogadishu, but living in Minneapolis, U.S.A., with Afweyne's name, 'Omar Mohamed Abdi Hassan'.[120]

116. Central Air was also regularly promoted during public meetings, often organized by Afweyne himself as the CEO. On 24 November 2012, for example, Afweyne held a meeting at the airport of Adado attended by local elders, intellectuals, women, and Himan and Heeb leaders. Afweyne briefed the attendees on the company's accomplishments and apologized for unintended flight delays during the previous two weeks. Other speakers at the meeting included local politician and senior member of the management team of Central Air, Hassan Hashi Muhumed, as well as Abdulkadir Said Ahmed, a member of the Somali diaspora. Both praised Central Air for its accomplishments. Also, Mohamed Aden 'Tiiceey', the President of Himan and Heeb, spoke at the event, and welcomed and praised Central Air's achievements.[121]

Free flights for Government officials

117. In addition to never having intervened or taken the initiative to disrupt his criminal activities, in January 2012 the Somali Government provided Afweyne with a diplomatic passport and three months later appointed him on an ad hoc basis as the Government's 'counter piracy' expert (see S/2012/544, paragraph 50), coincidentally when he was briefly detained at the Kuala Lumpur airport in early April 2012.

118. Afweyne appears not to have forgotten the support and protection he enjoyed from friends in Villa Somalia and displayed the following message on his website:

119. "Central Air supports the government with free flights for government officials in their line of duty within the country (to and from the different regions)".

120. Without reservation, several Government officials indeed made good use of Afweyne's generous offer and on various occasions publicly traveled on Central Air. In addition, African Union and Somali Government soldiers have been sent on domestic assignments with the airline (see photographs in annex 4.6.h).

Central Air expansion

121. As the operations of Central Air grew rapidly and the commercial service of the Ilyushin-18 'Blue Goose' proved successful, Afweyne sought opportunities to expand his business overseas.

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[118] https://www.facebook.com/pages/Central-Air-Somalia/522448717777226.

[119] http://opencharities.org/charities/1133144.

[120] https://www.facebook.com/hyperbee.

[121] http://www.goboladaradio.com/?p=6257.

122. Prior to Afweyne's arrest, Central Air was about to purchase, in further joint venture with SKY KG Airlines, a 1985-built Ilyushin-18/36 from the Ukrainian Ministry of Defence. A Contemplation Agreement to this effect had been drawn up, indicating that in addition to the USD 500,000 purchase price, an additional USD 300,000 was allocated to equip the aircraft and make it suitable for international use and passenger transport. The terms of payment were also included and described in the agreement (see annex 4.6.i).

123. In addition, in June 2013, Afweyne wrote to Frank Baistrocchi, Director of Sales of Bombardier in Toronto, Canada, to introduce Central Air's "representative to outside business", Abdirahman Sabriye, and to express his interest in partnering with Bombardier and leasing a Dash 300 and 400 aircraft (see strictly confidential annex 4.6.j).

124. When the Monitoring Group contacted Mr. Baistrocchi to obtain additional information about Afweyne's letter, he replied: "I can only confirm to you that I have no record of communication with the named individual", and referred the Group to the company's legal representative for further communication or enquiries. Whether he had actually dealt or communicated with Mohamed Abdi Hassan, Central Air Aviation, or any of their representatives, remained unanswered.[122]

Involvement of Tiiceey

125. Since 2008, Somali-American Mohamed Abdullahi Moalim-Aden 'Tiiceey', former President of Himan and Heeb, financially benefitted from Afweyne's piracy activities, by supplying his piracy network with communication devices and facilitating hostage releases, ransom payments, negotiations, and other arrangements (see annex 4.3).

126. Communications and documents relating to legal transactions and daily management activities of Central Air, some which were found in Tiiceey's possession on his arrest in Belgium, are evident of Tiiceey's involvement in the company and his relation of mutual trust with Afweyne.[123]

127. On 16 November 2012, for example, Sky KG Airlines received an e-mail from Tiiceey on behalf of Central Air, in which certain financial conditions stipulated in Appendix 1 of the Wet Lease Agreement were being discussed or renegotiated. The e-mail was signed with the name of Mohamed A. Moalin-Aden "Tiiceey", President of Himan & Heeb State. Two days later, Tiiceey sent a Central Air test e-mail to Sky KG Airlines (see annex 4.6.k).

128. Also in March 2013, when Mr. Griaznov of Sky KG Airlines was due to meet with Afweyne in Dubai, UAE, it was Tiiceey who unexpectedly appeared and explained to Griaznov that Afweyne could not make the meeting due to visa issues. He showed Griaznov his American passport and stated that as an American citizen he did not have these problems. He eventually invited the owner of Sky KG Airlines

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[122] E-mail communication with Mr. Baistrocchi in possession of the Monitoring Group, dated 5, 8, 9 and 22 May 2014.

[123] Central Air documentation in possession of Tiiceey included: an edited 14 November 2013 version of the Wet Lease Agreement for the Ilyushin-18 EX-18006 aircraft; the Contemplation Agreement for the purchase of another Ilyushin-18/36 aircraft; a draft Letter of Introduction addressed to Bombardier; a Consent Letter addressed to Baiona Films; and a November 2012 SCAMA flight permit for EX-18006.

to visit Mogadishu in May 2013 to meet with Afweyne in person. During the meeting, Tiiceey gave his cell phone to one of his entourage, who he instructed to take a picture of him and Griaznov.[124]

129. During a meeting in Bishkek, Kyrgyzstan, on 29 January 2014, the Monitoring Group showed Mr. Griaznov a picture, which was found stored in Tiiceey's cell phone along with the name 'Gennady KG Airlines'. He confirmed the picture to be of him and Tiiceey, taken during their meeting in Dubai in March 2013.

Picture of Mr. Griaznov and Tiiceey in Dubai

Airworthiness of 'Blue Goose'

130. According to a 20 January 2014 article published on the Kyrgyzstan news website www.24kg.org, Sky KG Airlines and the lease of its Ilyushin-18 aircraft with registration number EX-18006 appears to have been the subject of a criminal case initiated under Article 288 ("Violation of International Flights Rules") and Article 350 ("Forgery, production, Sale or Use of False Documents, State Awards, Stams, Seals, and/or Forms") of the Kyrgyz Criminal Code.

131. In reply to the Monitoring Group's enquiries, the Government of the Republic of Kyrgyzstan stated that on 7 August 2013, the Civil Aviation Agency of the Kyrgyzstan Republic (CAA) received an e-mail from Ahmed Abdurahman Farah, on behalf of the Somali Civil Aviation & Meteorology Authority (SCAMA), asking about the technical condition of the "Sky KG Airlines" IL-18 aircraft under the registration number EX-18006.[125]

132. In response, the CAA of the Kyrgyzstan Republic provided SCAMA with the Certificate of Air Worthiness and the Certificate of Registration of the Ilyushin-18 (EX-18006).[126]

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[124] Information extracted from an interview the Monitoring Group conducted with Mr. Griaznov Gennady in Bishkek, Kyrgyzstan, on 28 January 2014.

[125] Information obtained from the Government of the Republic of Kyrgyzstan on 16 May 2014 (Note Verbal 016/119).

[126] Information obtained from the Government of the Republic of Kyrgyzstan on 16 May 2014 (Note Verbal 016/119).

133. On 23 August 2013, SCAMA notified the CAA of the Kyrgyzstan Republic that differences existed between the documents presented earlier by Central Air and the documents provided by the CAA of the Kyrgyzstan Republic.[127]

134. Subsequently, the CAA of the Kyrgyzstan Republic established a committee on ascertainment of facts, which on 25 August 2013 concluded that there were indeed discrepancies in the documents to be noted, and certain elements were indicative of suspected forgery. As such, on 17 January 2014, the Transport Prosecutor's Office of the Kyrgyzstan Republic opened a criminal case and investigation into the matter. As of 30 March 2014, the case was still under investigation.[128]

135. At present it remains unclear to the Monitoring Group whether the 44-year old aircraft has been operating its passenger flights in Somalia with a valid Certificate of Airworthiness or if SCAMA has issued a new Flight Permit for the Ilyushin-18 (EX-18006) to Central Air.

Management and offices

136. When it was active, the website of Central Air displayed the following individuals as 'key executives' of the company:

- Chief Executive Officer and President of Dunia Group of Companies: Mr. Mohamed Abdi Hassan
- Manager: Mr. Mohamed Abdi Hassan
- Finance Officer: Mr. Ali Mohamud Ali
- Operations Manager: Mr. Abdirahman Hirsi Farah

137. Finance Officer Ali Mohamud Ali, also known as 'Ali Dhuux', is the proxy holder of one of Afweyne's bank accounts in Mogadishu. He is also in direct contact with Hobyo-Harardhere pirate leader Mohamed Osman Mohamed 'Gafanje', pirate financier Mohamed Said Jimale, and associates of both individuals.[129]

Ali Mohamud Ali, Finance Officer of Central Air[130]

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[127] Information obtained from the Government of the Republic of Kyrgyzstan on 16 May 2014 (Note Verbal 016/119).

[128] Information obtained from the Government of the Republic of Kyrgyzstan on 16 May 2014 (Note Verbal 016/119).

[129] Bank account information and communications in possession of the Monitoring Group.

[130] As confirmed by airport contacts in Mogadishu on 9 April 2014. Business card of Abdirahman Hirsi Dahir in possession of the Monitoring Group.

138. In addition to information and pictures appearing in annex 4.6.l, other individuals identified as working for Central Air include:

- Abdirahman Hirsi Dahir, Managing Director in Mogadishu;[131]
- Ahmed Abdulhak Mohamed, 'Operation Manager' in Mogadishu. Also known as Ahmed Sheikh Abdulhak Mohamed and Ahmed Abdi. On Facebook, Ahmed Abdulhak 'likes' both Central Air and Skyward Express;[132]
- Hassan Hashi Muhumed, senior member of the management team in Mogadishu;[133]
- Abdullahi Kulane, 'Central Air Purchaser';[134]
- Ali Yusuf Jama, representative of Central Air in Garowe;[135]
- Abdi Nor Kadiye, Central Air official in Kismayo;[136]

Central Air boarding passes entered manually[137]

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[131] https://www.youtube.com/watch?v=gSbDc-S6mNU#t=102.

[132] https://www.facebook.com/abdulhak166.

[133] http://www.wacaal.com/2013/04/03/shirkadda-central-air-oo-muddo-gaaban-horumar-ka-sii-gaareysa-duulimaadyada-gudaha-iyo-dibadda-amin-yusuf-khasaaro/.

[134] While 'Abdullahi Kulane' has not been identified, the Monitoring Group notes that Abdullahi Mohamud Kulane "Buundo" is a well known Hobyo-Harardhere pirate financier and that both Buundo and the finance officer of Central Air are in contact with pirate financier Mohamed Said Jimale.

[135] http://allpunttland.com/warar/shirkada-diyaaradaha-centeral-air-ayaa-heshey-ogolaanshii-u-horeeyey-iney-isticmaasho-garoonka-diyaaradaha-garowe.

[136] https://www.youtube.com/watch?v=Oil9E67rlHM.

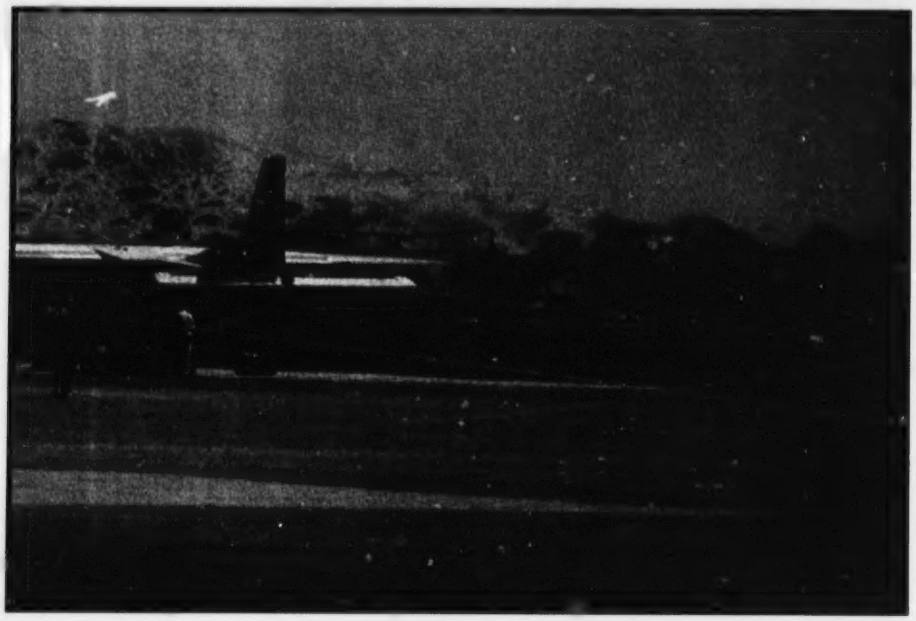
[137] http://www.goboladaradio.com/?p=13299.

Blank Central Air Boarding Passes

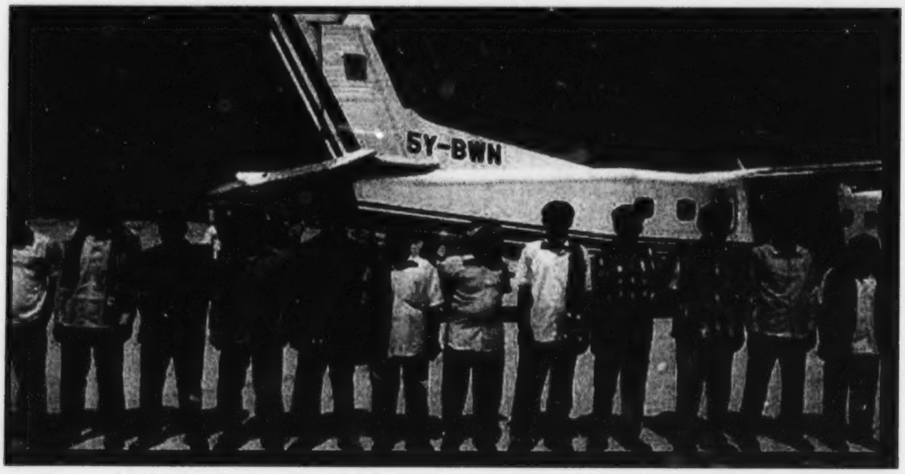
Annex 4.6.a: Photographs of aircraft 5Y-BWN and 5Y-FAE

Dornier 228 cargo-passenger aircraft with registration number 5Y-BWN

Delivering khat at Mogadishu International airport on 12 December 2012

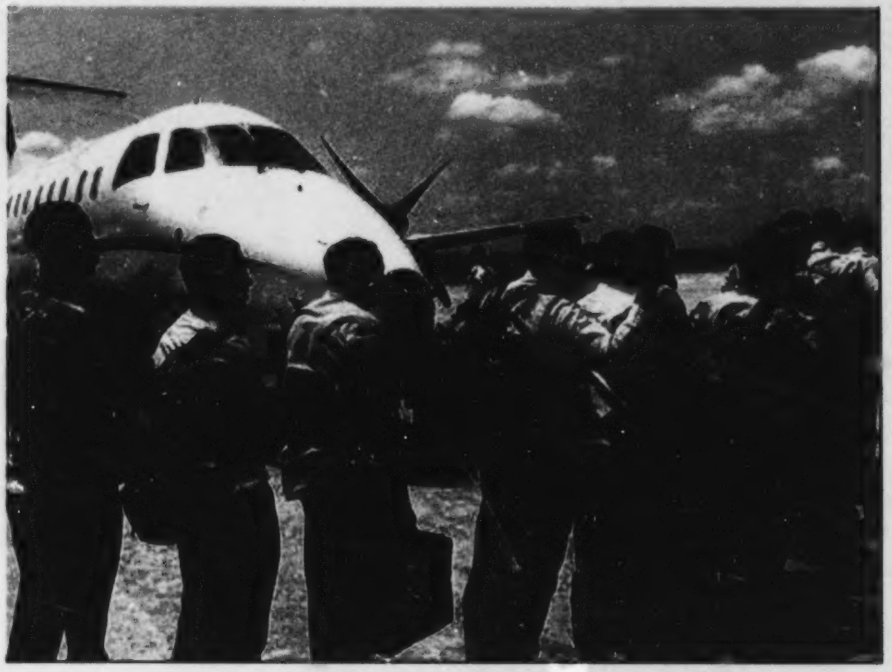


Picking up 11 released Pakistani pirate hostages in Adado on 29 November 2011



Embraer 120 Brasilia commuter aircraft with registration number 5Y-FAE

Picking up passengers at Adado[138]



Landed at Adado during June 2012

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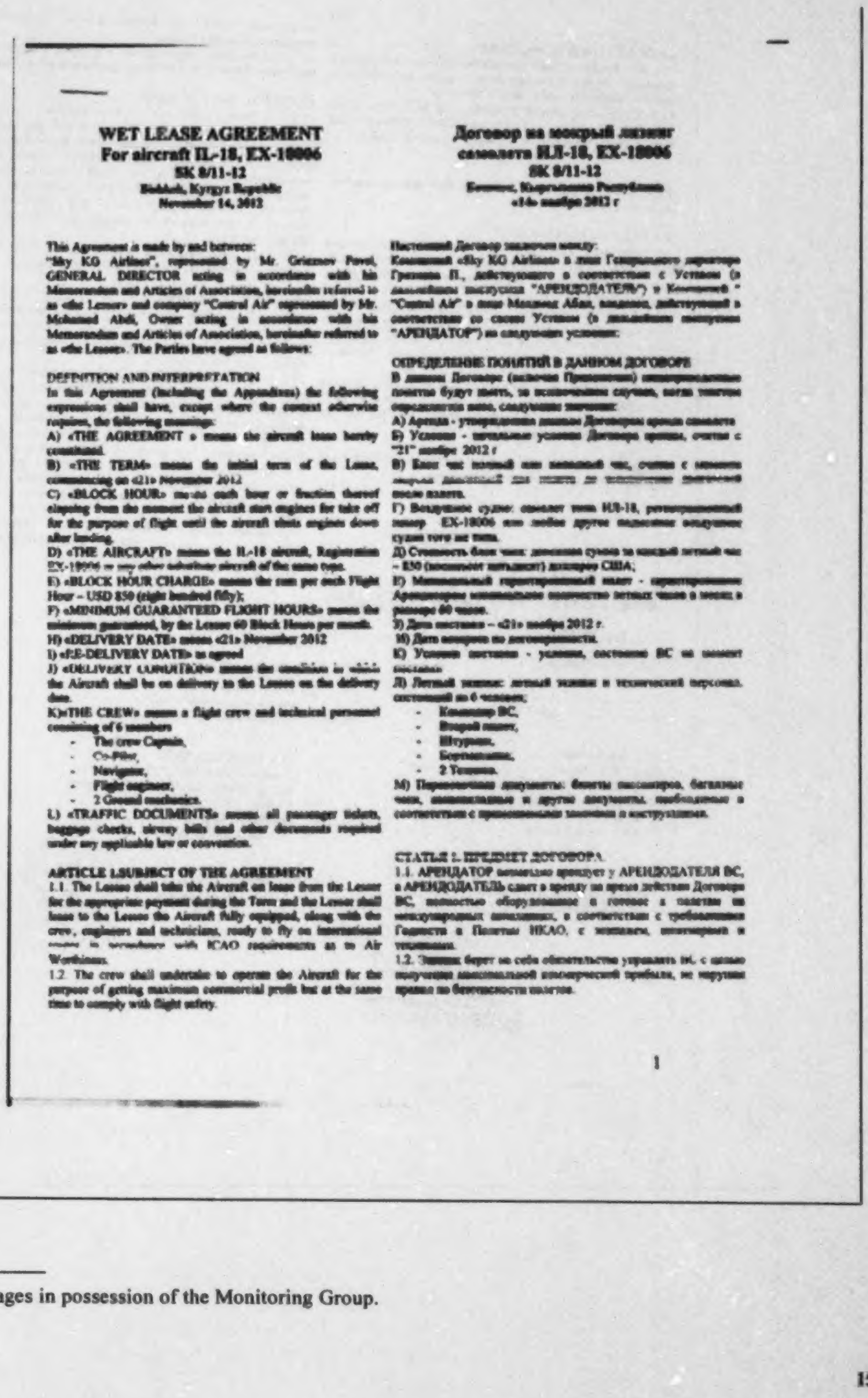
[138] Picture published on 15 March 2013.

Annex 4.6.b: Photograph of aircraft 5Y-FAM

Old picture of the commuter aircraft Embraer 120 operated by Central Air

Annex 4.6.c: Signed Wet Lease Agreement of 14 November 2012 (first and last page)[139]



WET LEASE AGREEMENT
For aircraft IL-18, EX-18006
SK 8/11-12
Bishkek, Kyrgyz Republic
November 14, 2012

This Agreement is made by and between:
"Sky KG Airlines", represented by Mr. Griaznov Pavel, GENERAL DIRECTOR acting in accordance with his Memorandum and Articles of Association, hereinafter referred to as «the Lessor» and company "Central Air" represented by Mr. Mohamed Abdi, Owner acting in accordance with his Memorandum and Articles of Association, hereinafter referred to as «the Lessee». The Parties have agreed as follows:

DEFINITION AND INTERPRETATION
In this Agreement (including the Appendixes) the following expressions shall have, except where the context otherwise requires, the following meanings:
A) «THE AGREEMENT » means the aircraft lease hereby constituted.
B) «THE TERM» means the initial term of the Lease, commencing on «21» November 2012
C) «BLOCK HOUR» means each hour or fraction thereof elapsing from the moment the aircraft start engines for take off for the purpose of flight until the aircraft shuts engines down after landing.
D) «THE AIRCRAFT» means the IL-18 aircraft, Registration EX-18006 or any other substitute aircraft of the same type.
E) «BLOCK HOUR CHARGE» means the sum per each Flight Hour – USD 850 (eight hundred fifty);
F) «MINIMUM GUARANTEED FLIGHT HOURS» means the minimum guaranteed, by the Lessee 60 Block Hours per month.
H) «DELIVERY DATE» means «21» November 2012
I) «RE-DELIVERY DATE» as agreed
J) «DELIVERY CONDITION» means the condition in which the Aircraft shall be on delivery to the Lessee on the delivery date.
K)«THE CREW» means a flight crew and technical personnel consisting of 6 members
- The crew Captain,
- Co-Pilot,
- Navigator,
- Flight engineer,
- 2 Ground mechanics.

L) «TRAFFIC DOCUMENTS» means all passenger tickets, baggage checks, airway bills and other documents required under any applicable law or convention.

ARTICLE 1.SUBJECT OF THE AGREEMENT
1.1. The Lessee shall take the Aircraft on lease from the Lessor for the appropriate payment during the Term and the Lessor shall lease to the Lessee the Aircraft fully equipped, along with the crew, engineers and technicians, ready to fly on international routes in accordance with ICAO requirements as to Air Worthiness.
1.2. The crew shall undertake to operate the Aircraft for the purpose of getting maximum commercial profit but at the same time to comply with flight safety.

Договор на мокрый лизинг
самолета ИЛ-18, EX-18006
SK 8/11-12
Бишкек, Кыргызская Республика
«14» ноября 2012 г

Настоящий Договор заключен между:
Компанией «Sky KG Airlines» в лице Генерального директора Грязнова П., действующего в соответствии с Уставом (в дальнейшем именуемая "АРЕНДОДАТЕЛЬ") и Компанией "Central Air" в лице Мохамед Абди, владелец, действующий в соответствии со своим Уставом (в дальнейшем именуемая "АРЕНДАТОР") на следующих условиях:

ОПРЕДЕЛЕНИЕ ПОНЯТИЙ В ДАННОМ ДОГОВОРЕ
В данном Договоре (включая Приложения) нижеприведенные понятия будут иметь, за исключением случаев, когда текстом определяется иное, следующие значения:
А) Аренда - утвержденная данным Договором аренда самолета
Б) Условия - начальные условия Договора аренды, считая с "21" ноября 2012 г
В) Блок час полный или неполный час, считая с момента запуска двигателей для взлета до выключения двигателей после взлета.
Г) Воздушное судно: самолет типа ИЛ-18, регистрационный номер EX-18006 или любое другое подменное воздушное судно того же типа.
Д) Стоимость блок часа: денежная сумма за каждый летный час – 850 (восемьсот пятьдесят) долларов США;
Е) Минимальный гарантированный налет - гарантированное Арендатором минимальное количество летных часов в месяц в размере 60 часов.
З) Дата поставки – «21» ноября 2012 г.
И) Дата возврата по договоренности.
К) Условия поставки - условия, состояние ВС на момент поставки
Л) Летный экипаж: летный экипаж и технический персонал, состоящий из 6 человек;
- Командир ВС,
- Второй пилот,
- Штурман,
- Бортинженер,
- 2 Техника.

М) Перевозочные документы: билеты пассажиров, багажные чеки, авианакладные и другие документы, необходимые в соответствии с применяемыми законами и инструкциями.

СТАТЬЯ 1. ПРЕДМЕТ ДОГОВОРА.
1.1. АРЕНДАТОР временно арендует у АРЕНДОДАТЕЛЯ ВС, а АРЕНДОДАТЕЛЬ сдает в аренду на время действия Договора ВС, полностью оборудованное и готовое к полетам на международных авиалиниях, в соответствии с требованиями Годности к Полетам ИКАО, с экипажем, инженерами и техниками.
1.2. Экипаж берет на себя обязательство управлять ВС с целью получения максимальной коммерческой прибыли, не нарушая правил по безопасности полетов.

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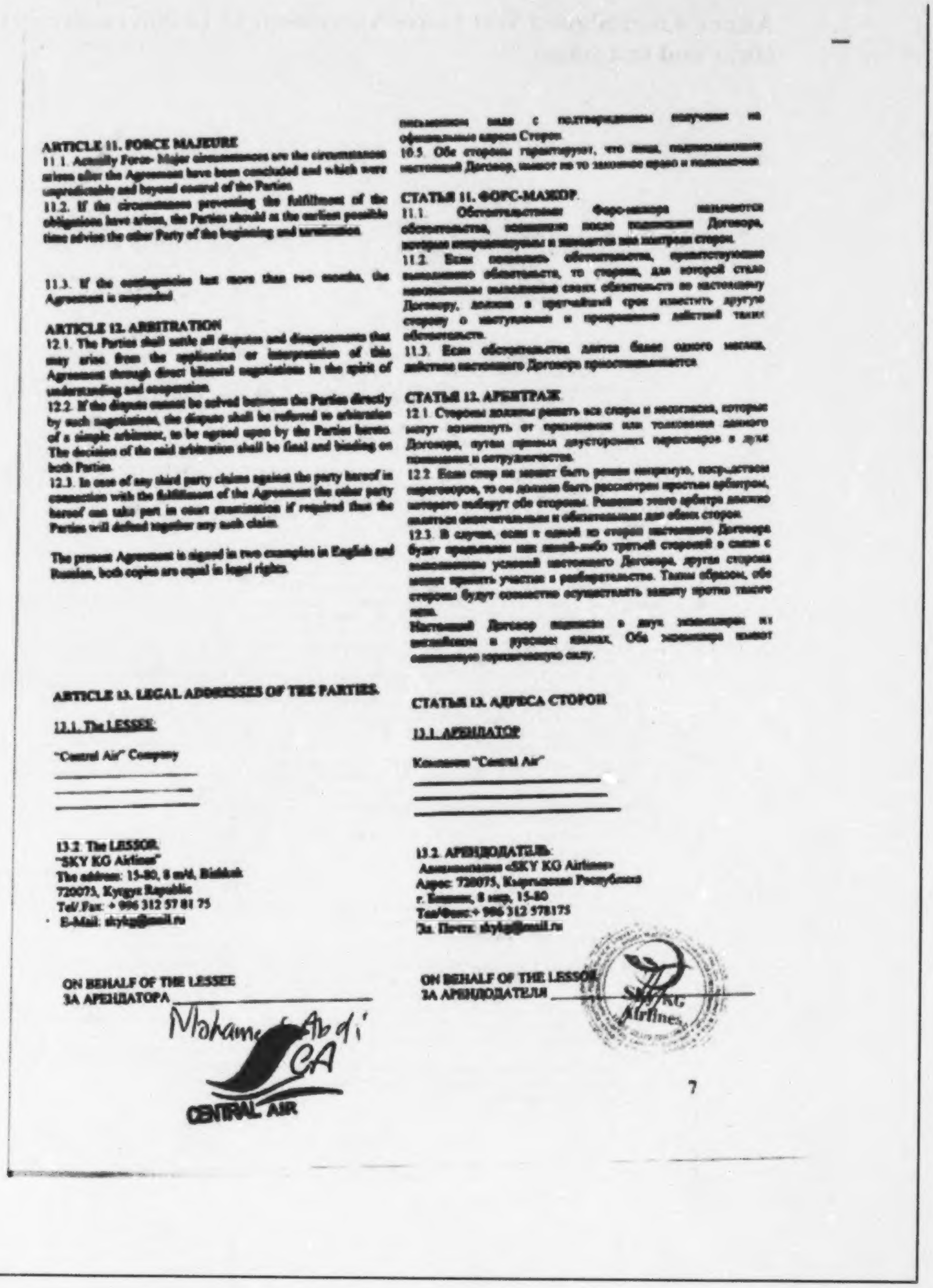
[139] All 7 pages in possession of the Monitoring Group.



ARTICLE 11. FORCE MAJEURE

11.1. Actually Force- Major circumstances are the circumstances arisen after the Agreement have been concluded and which were unpredictable and beyond control of the Parties.

11.2. If the circumstances preventing the fulfillment of the obligations have arisen, the Parties should at the earliest possible time advise the other Party of the beginning and termination.

11.3. If the contingencies last more than two months, the Agreement is suspended.

ARTICLE 12. ARBITRATION

12.1. The Parties shall settle all disputes and disagreements that may arise from the application or interpretation of this Agreement through direct bilateral negotiations in the spirit of understanding and cooperation.

12.2. If the dispute cannot be solved between the Parties directly by such negotiations, the dispute shall be referred to arbitration of a simple arbitrator, to be agreed upon by the Parties hereto. The decision of the said arbitration shall be final and binding on both Parties.

12.3. In case of any third party claims against the party hereof in connection with the fulfillment of the Agreement the other party hereof can take part in court examination if required thus the Parties will defend together any such claim.

The present Agreement is signed in two examples in English and Russian, both copies are equal in legal rights.

письменном виде с подтверждением получения на официальные адреса Сторон.

10.5. Обе стороны гарантируют, что лица, подписывающие настоящий Договор, имеют на то законное право и полномочия.

СТАТЬЯ 11. ФОРС-МАЖОР.

11.1. Обстоятельствами Форс-мажора называются обстоятельства, возникшие после подписания Договора, которые непредвиденны и находятся вне контроля сторон.

11.2. Если возникнуть обстоятельства, препятствующие выполнению обязательств, то сторона, для которой стало невозможным выполнение своих обязательств по настоящему Договору, должна в кратчайший срок известить другую сторону о наступлении и прекращении действий таких обстоятельств.

11.3. Если обстоятельства длятся более одного месяца, действие настоящего Договора приостанавливается.

СТАТЬЯ 12. АРБИТРАЖ.

12.1. Стороны должны решить все споры и несогласия, которые могут возникнуть от применения или толкования данного Договора, путем прямых двусторонних переговоров в духе понимания и сотрудничества.

12.2. Если спор не может быть решен напрямую, посредством переговоров, то он должен быть рассмотрен простым арбитром, которого выберут обе стороны. Решение этого арбитра должно являться окончательным и обязательным для обеих сторон.

12.3. В случае, если к одной из сторон настоящего Договора будут предъявлены иск какой-либо третьей стороной в связи с выполнением условий настоящего Договора, другая сторона может принять участие в разбирательстве. Таким образом, обе стороны будут совместно осуществлять защиту против такого иска.

Настоящий Договор подписан в двух экземплярах на английском и русском языках. Оба экземпляра имеют одинаковую юридическую силу.

ARTICLE 13. LEGAL ADDRESSES OF THE PARTIES.

13.1. The LESSEE:

"Central Air" Company

____
____
____

13.2. The LESSOR:
"SKY KG Airlines"
The address: 15-80, 8 m/d, Bishkek
720075, Kyrgyz Republic
Tel/Fax: + 996 312 57 81 75
E-Mail: skykg@mail.ru

ON BEHALF OF THE LESSEE
ЗА АРЕНДАТОРА ____________________

Mohamed Abdi

CA
CENTRAL AIR

СТАТЬЯ 13. АДРЕСА СТОРОН

13.1. АРЕНДАТОР

Компания "Central Air"

____
____
____

13.2. АРЕНДОДАТЕЛЬ:
Авиакомпания «SKY KG Airlines»
Адрес: 720075, Кыргызская Республика
г. Бишкек, 8 мкр, 15-80
Тел/Факс:+ 996 312 578175
Эл. Почта: skykg@mail.ru

ON BEHALF OF THE LESSOR
ЗА АРЕНДОДАТЕЛЯ ____________________

SKY KG Airlines

7

Annex 4.6.d: Additional photographs of Fokker F-27 aircraft (5Y-SIB)

5Y-SIB at Aden Adde International Airport (Mogadishu) on 17 September 2013

5Y-SIB in Adado on 9 October 2013

"Central Air Duulimaad Raaxo Leh" or "Enjoy flying Central Air", advertisement on runta24.com showing 5Y-SIB[140]

CENTRAL AIR DUULIMAAD RAAXO LEH
CENTRAL AIR

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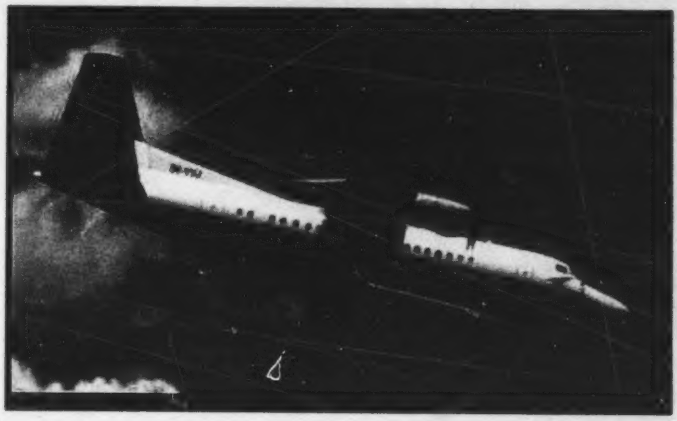
[140] http://runta24.com/2013/07/page/25/.

Annex 4.6.e:

Photographs of *khat* transporting aircraft Fokker-27 with registration number 5Y-VVJ

Landing at Wilson Airport, Nairobi, Kenya, on 27 February 2013[141]



In the background at Adado airport, published on 15 March 2013[142]

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[141] http://www.airliners.net/photo/Untitled-(Bluebird-Aviation)/Fokker-50/2244964/&sid=c373423aa49bce97373c9252b613ebc0.

[142] http://www.goboladaradio.com/?p=10500.

At Adado airport, published 28 May 2013[143]

5Y-VVJ crashed at Guri'el airstrip when overrunning the runway on 20 April 2014[144]

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[143] http://www.goboladaradio.com/?p=13299.

[144] http://avherald.com/h?article=4741588a; http://www.baaa-acro.com/2014/archives/crash-of-a-fokker-50-in-guriceel/.

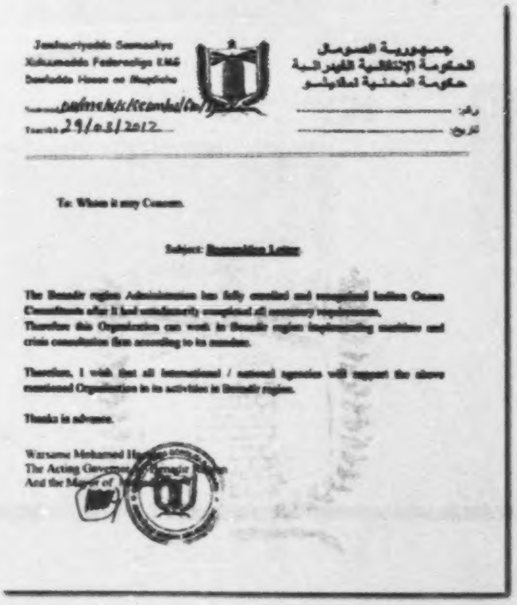
Annex 4.6.f:

Photograph of pirate facilitator Hassan Ahmed Ali and recognition letter

Hassan Ahmed Ali, a.k.a. Hassan Macsharo

139. Hassan Ahmed Ali is a businessman and member of the pirate facilitation and negotiation company 'Indian Ocean Consultants', which was found to be involved in multiple hijacking and abduction cases (see S/2012/544, strictly confidential annex 4.3). Hassan Ahmed has been found to be connected to the hijacking cases of the *York* (2010-2011), *Gemini* (2011) and the abduction of two Spanish MSF aid workers (2011-2013).

140. As a representative of Indian Ocean Consultants, Hassan Ahmed Ali was provided with a 29 March 2012 letter of recognition issued by "Warsame Mohamed Hassan", the then acting Governor of Benadir region and Mayor of Mogadishu.



جمهورية الصومال
الحكومة الإنتقالية الفيدرالية
حكومة المحلية لمقديشو

29/03/2012

To: Whom it may Concern.

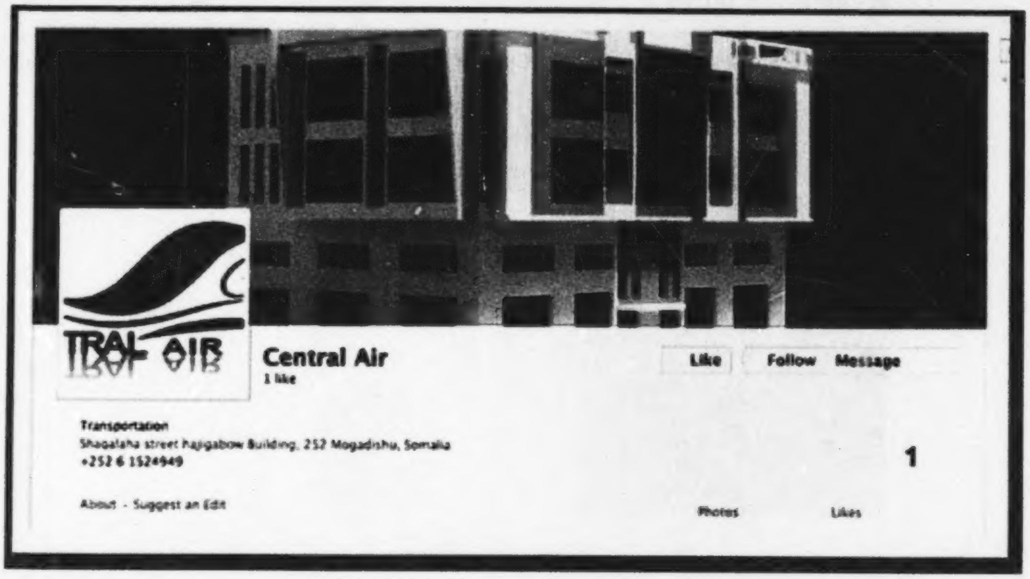
Subject: Recognition Letter

Thanks in advance.

Warsame Mohamed H
The Acting Governor
And the Mayor of

Annex 4.6.g:

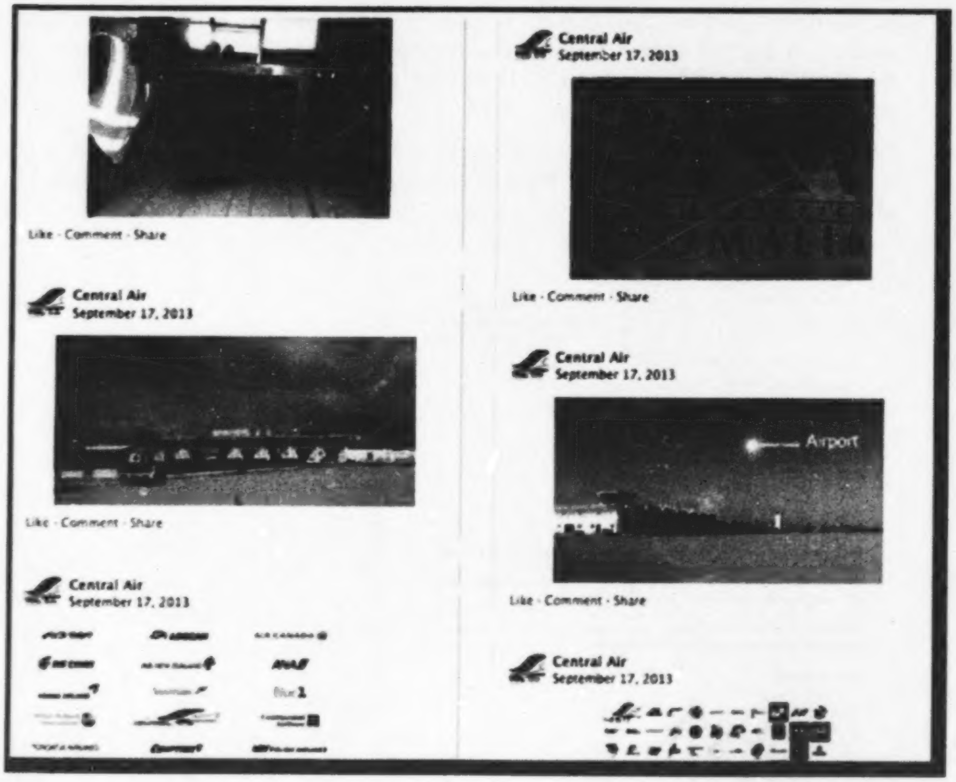
Screen shots of Central Air's Facebook Page



Central Air
1 like

Transportation
Shagalaha street hajigabow Building, 252 Mogadishu, Somalia
+252 6 1524949

TRAL AIR
Like
Follow
Message
About · Suggest an Edit
1
Photos
Likes



Central Air
September 17, 2013

Central Air
September 17, 2013

Central Air
September 17, 2013

Central Air
September 17, 2013

Central Air
September 17, 2013

Like · Comment · Share
Like · Comment · Share
Like · Comment · Share
Like · Comment · Share
Airport

Annex 4.6.h:

Photographs of Somali officials travelling with Central Air

141. On 6 March 2013, an FGS delegation led by former Prime Minister Abdi Farah Shirdon 'Saacid' and including the Minister of Interior and National Security, Abdikarin Hussein Guled, the Minister of Defence, Abdihakin Fiqi, and the First Deputy Speaker of Parliament, Jaylani Nur Ikar, arrived in Adado with two aircraft, including Central Air's EX-18006 'Blue Goose'.[145]

Photograph showing Central Air's EX-18006, Prime Minister Shirdon, Defence Minister Fiqi and Himan and Heeb President Mohamed Aden 'Tiiceey'

142. On 29 June 2013, Sheikh Hassan Dahir Aweys was flown from Adado to Mogadishu escorted by Government security forces. The Government used Central Air's EX-18006 'Blue Goose' to fly Aweys and the security forces from Adado to Mogadishu. The escorting soldiers were believed to be part of the Presidential security forces.[146]

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[145] http://radiomuqdisho.net/daawo-sawirada-raysul-wasaaraha-dalka-oo-si-wanaagsan-loogu-soo-dhaweeyay-dagmada-cadaado/; http://www.goboladaradio.com/?p=10006.

[146] http://radiokulmiye.com/knn/daawo-sawirada-markii-xasan-daahir-laga-soo-qaadayay-dagmada-cadaado/; http://www.bbc.com/news/world-africa-23115819; http://som.horseedmedia.net/2013/06/xassan-daahir-aweys-oo-lagu-xiray-xarunta-nabad-sugida-sawiro/.

143. As reported on Somali Channel TV, a number of federal Members of Parliament led by Member of Parliament Abdirashid Mohamed Hiddig, travelled from Mogadishu to Kismayo on 15 August 2013 on Central Air's EX-18006 'Blue Goose'.[147]

twitter.com/somalichannel YouTube youtube.com/somalichannel
www.somalichannel.tv
info@somalichannel.tv

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[147] https://www.youtube.com/watch?v=7fDdsAf3Cjs.

144. On 9 October 2013, a delegation led by the current Himan and Heeb President, Abdullahi Ali Mohamed Kediye (a.k.a. 'Baarleeh'), returned from Mogadishu back to Adado. The delegation flew with Central Air's white Fokker 5Y-SIB.[148]

145. On 18 September 2013, a delegation led by the Speaker of the Somali Parliament, Mohamed Osman Jawari, arrived in Baydhabo. The Speaker and his delegation flew from Mogadishu airport with Central Air's white Fokker 5Y-SIB. High-ranking Government officials including Ministers and Members of Parliament led by the then Somali Prime Minister Abdi Farah Shirdon saw off the delegation at Mogadishu airport.[149]

CENTRAL AIR

146. From 15 to 20 June 2014, the Director General of the Office of the President of Puntland, Dek Saleban Yusuf, reportedly travelled from Galkayo to Mogadishu

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[148] http://radiomuqdisho.net/wafdi-uu-hogaaminayo-madaxwaynaha-ximan-iyo-xeeb-oo-cadaado-lagu-soo-dhaweeyay-sawirro/.

[149] http://radiomuqdisho.net/ku-simaha-madaxweynaha-iyo-wafdi-sare-uu-hogaaminayo-...02/04/2014.

with Central Air. He stayed in Mogadishu for three days before returning to Puntland.[150]

Dek Saleban Yusuf

147. On 26 April 2014, the President of Himan and Heeb, Abdullahi Ali Mohamed Kediye, and his entourage returned to Adado following a long visit to Mogadishu. On this occasion, the President and his delegation flew with Central Air's EX-18006 'Blue Goose'. The Himan and Heeb leaders reportedly fly regularly with Central Air.[151]

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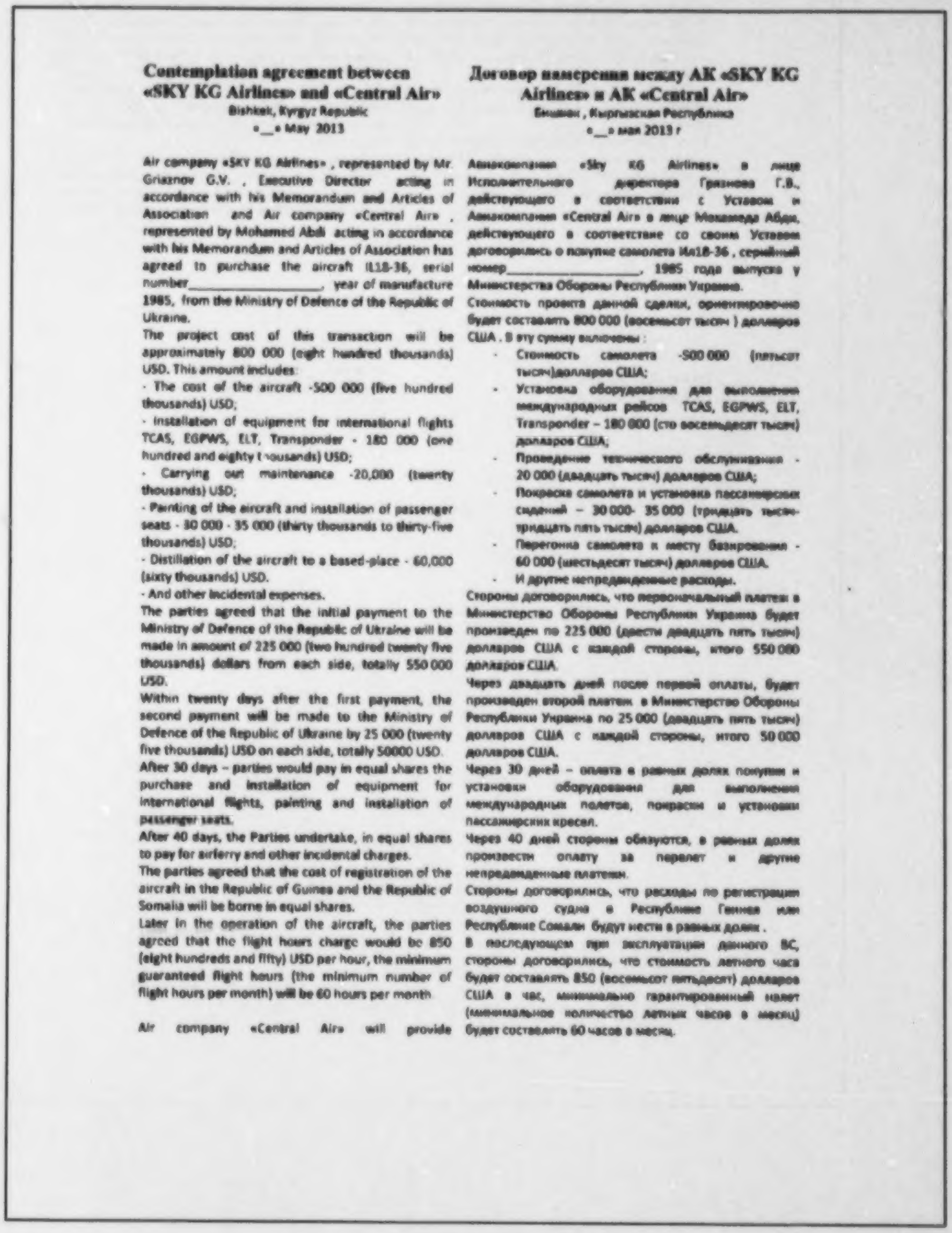
[150] http://www.puntlandfox.com/2014/06/agaasimaha-madaxtooyada-puntland-oo-tagay-muqdisho/.

[151] http://www.goboladaradio.com/?p=24433.

Annex 4.6.i: Draft contemplation agreement between SKY KG Airlines and Central Air



Contemplation agreement between «SKY KG Airlines» and «Central Air»

Bishkek, Kyrgyz Republic

«__» May 2013

Air company «SKY KG Airlines» , represented by Mr. Griaznov G.V. , Executive Director acting in accordance with his Memorandum and Articles of Association and Air company «Central Air» , represented by Mohamed Abdi acting in accordance with his Memorandum and Articles of Association has agreed to purchase the aircraft IL18-36, serial number__________________, year of manufacture 1985, from the Ministry of Defence of the Republic of Ukraine.

The project cost of this transaction will be approximately 800 000 (eight hundred thousands) USD. This amount includes:

- The cost of the aircraft -500 000 (five hundred thousands) USD;
- Installation of equipment for international flights TCAS, EGPWS, ELT, Transponder - 180 000 (one hundred and eighty thousands) USD;
- Carrying out maintenance -20,000 (twenty thousands) USD;
- Painting of the aircraft and installation of passenger seats - 30 000 - 35 000 (thirty thousands to thirty-five thousands) USD;
- Distillation of the aircraft to a based-place - 60,000 (sixty thousands) USD.
- And other incidental expenses.

The parties agreed that the initial payment to the Ministry of Defence of the Republic of Ukraine will be made in amount of 225 000 (two hundred twenty five thousands) dollars from each side, totally 550 000 USD.

Within twenty days after the first payment, the second payment will be made to the Ministry of Defence of the Republic of Ukraine by 25 000 (twenty five thousands) USD on each side, totally 50000 USD.

After 30 days – parties would pay in equal shares the purchase and installation of equipment for international flights, painting and installation of passenger seats.

After 40 days, the Parties undertake, in equal shares to pay for airferry and other incidental charges.

The parties agreed that the cost of registration of the aircraft in the Republic of Guinea and the Republic of Somalia will be borne in equal shares.

Later in the operation of the aircraft, the parties agreed that the flight hours charge would be 850 (eight hundreds and fifty) USD per hour, the minimum guaranteed flight hours (the minimum number of flight hours per month) will be 60 hours per month

Air company «Central Air» will provide

Договор намерения между АК «SKY KG Airlines» и АК «Central Air»

Бишкек , Кыргызская Республика

«__» мая 2013 г

Авиакомпания «Sky KG Airlines» в лице Исполнительного директора Грязнова Г.В., действующего в соответствии с Уставом и Авиакомпания «Central Air» в лице Мохамеда Абди, действующего в соответствие со своим Уставом договорились о покупке самолета Ил18-36 , серийный номер__________________, 1985 года выпуска у Министерства Обороны Республики Украина.

Стоимость проекта данной сделки, ориентировочно будет составлять 800 000 (восемьсот тысяч) долларов США . В эту сумму включены :

- Стоимость самолета -500 000 (пятьсот тысяч)долларов США;
- Установка оборудования для выполнения международных рейсов TCAS, EGPWS, ELT, Transponder – 180 000 (сто восемьдесят тысяч) долларов США;
- Проведение технического обслуживания - 20 000 (двадцать тысяч) долларов США;
- Покраска самолета и установка пассажирских сидений – 30 000- 35 000 (тридцать тысяч- тридцать пять тысяч) долларов США.
- Перегонка самолета к месту базирования - 60 000 (шестьдесят тысяч) долларов США.
- И другие непредвиденные расходы.

Стороны договорились, что первоначальный платеж в Министерство Обороны Республики Украина будет произведен по 225 000 (двести двадцать пять тысяч) долларов США с каждой стороны, итого 550 000 долларов США.

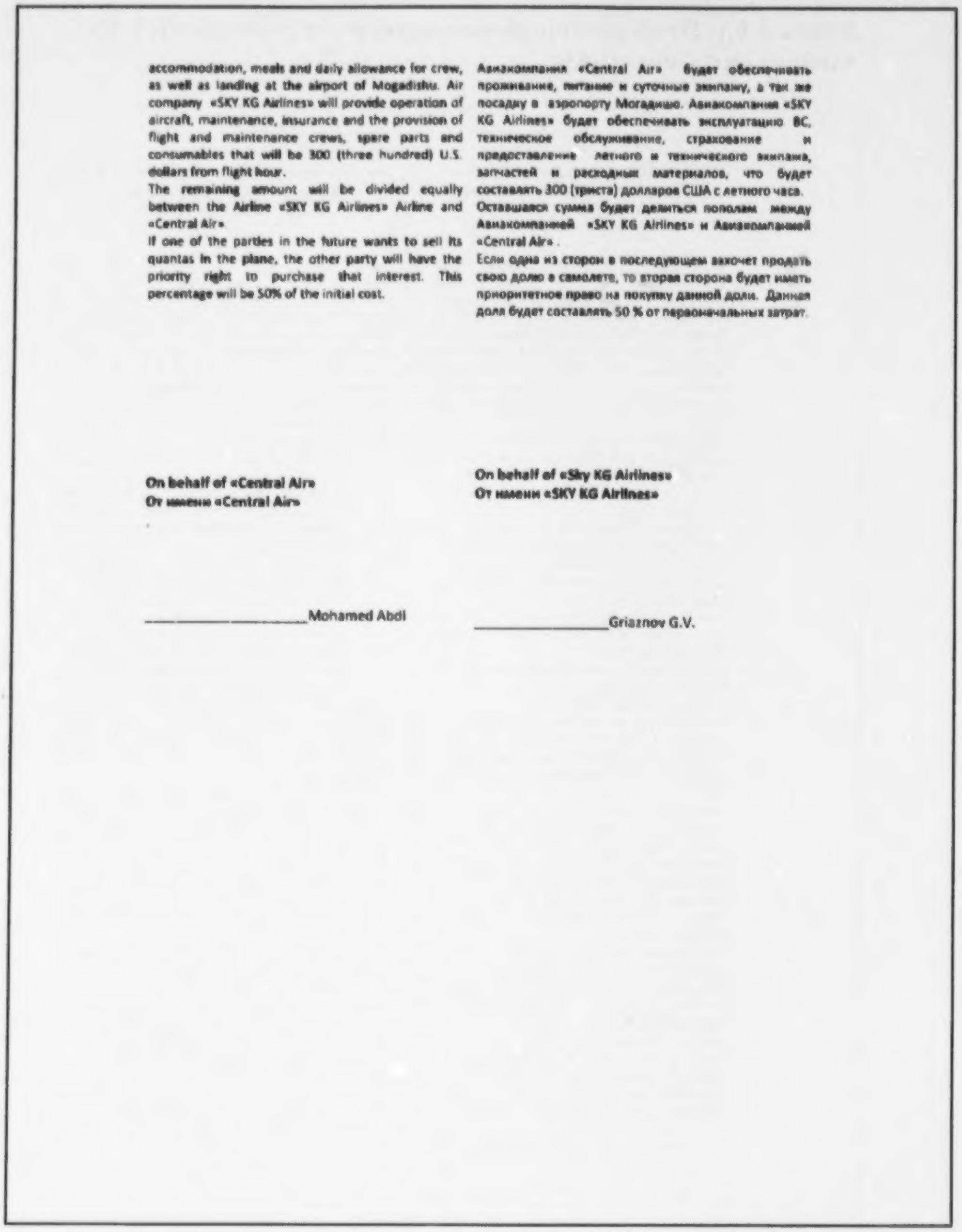
Через двадцать дней после первой оплаты, будет произведен второй платеж в Министерство Обороны Республики Украина по 25 000 (двадцать пять тысяч) долларов США с каждой стороны, итого 50 000 долларов США.

Через 30 дней – оплата в равных долях покупки и установки оборудования для выполнения международных полетов, покраски и установки пассажирских кресел.

Через 40 дней стороны обязуются, в равных долях произвести оплату за перелет и другие непредвиденные платежи.

Стороны договорились, что расходы по регистрации воздушного судна в Республике Гвинея или Республике Сомали будут нести в равных долях .

В последующем при эксплуатации данного ВС, стороны договорились, что стоимость летного часа будет составлять 850 (восемьсот пятьдесят) долларов США в час, минимально гарантированный налет (минимальное количество летных часов в месяц) будет составлять 60 часов в месяц.



accommodation, meals and daily allowance for crew, as well as landing at the airport of Mogadishu. Air company «SKY KG Airlines» will provide operation of aircraft, maintenance, insurance and the provision of flight and maintenence crews, spare parts and consumables that will be 300 (three hundred) U.S. dollars from flight hour.

The remaining amount will be divided equally between the Airline «SKY KG Airlines» Airline and «Central Air»

If one of the parties in the future wants to sell its quantas in the plane, the other party will have the priority right to purchase that interest. This percentage will be 50% of the initial cost.

Авиакомпания «Central Air» будет обеспечивать проживание, питание и суточные экипажу, а так же посадку в аэропорту Могадишо. Авиакомпания «SKY KG Airlines» будет обеспечивать эксплуатацию ВС, техническое обслуживание, страхование и предоставление летного и технического экипажа, запчастей и расходных материалов, что будет составлять 300 (триста) долларов США с летного часа.

Оставшаяся сумма будет делиться пополам между Авиакомпанией «SKY KG Airlines» и Авиакомпанией «Central Air» .

Если одна из сторон в последующем захочет продать свою долю в самолете, то вторая сторона будет иметь приоритетное право на покупку данной доли. Данная доля будет составлять 50 % от первоначальных затрат.

On behalf of «Central Air»
От имени «Central Air»

____________________Mohamed Abdi

On behalf of «Sky KG Airlines»
От имени «SKY KG Airlines»

________________Griaznov G.V.

Annex 4.6.j: Letter of introduction to Bombardier Inc. (STRICTLY CONFIDENTIAL)*

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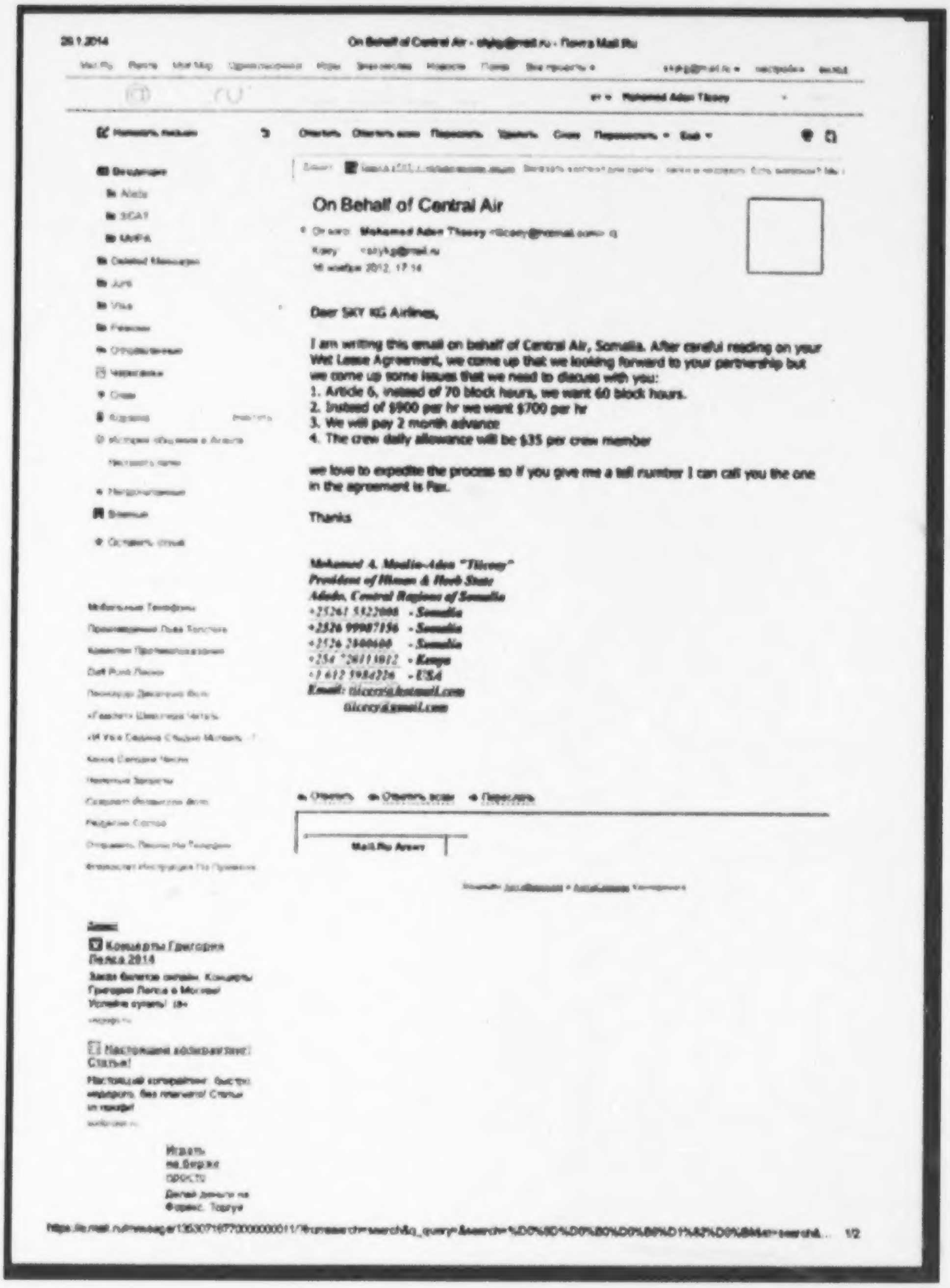
* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.6.k: E-mail communication from Mohamed Aden 'Tiiceey' on behalf of Central Air

E-mail dated 16 November 2012



26.1.2014 On Behalf of Central Air - skykg@mail.ru - Почта Mail.Ru

On Behalf of Central Air

От кого: Mohamed Aden Tiiceey <tiiceey@hotmail.com>
Кому: skykg@mail.ru
16 ноября 2012, 17:14

Dear SKY KG Airlines,

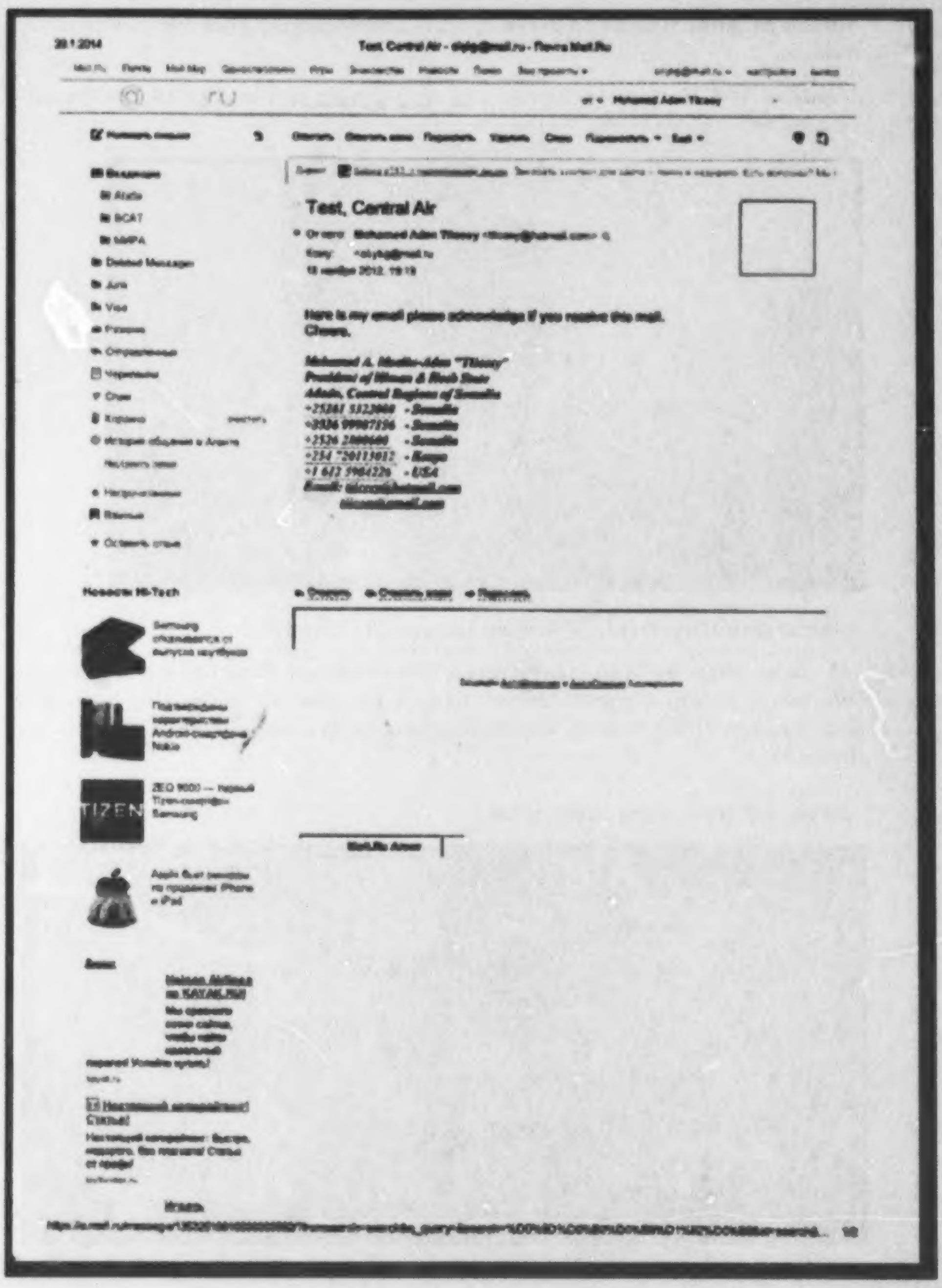
I am writing this email on behalf of Central Air, Somalia. After careful reading on your Wet Lease Agreement, we come up that we looking forward to your partnership but we come up some issues that we need to discuss with you:
1. Article 6, instead of 70 block hours, we want 60 block hours.
2. Instead of $900 per hr we want $700 per hr
3. We will pay 2 month advance
4. The crew daily allowance will be $35 per crew member

we love to expedite the process so if you give me a tell number I can call you the one in the agreement is Fax.

Thanks

Mohamed A. Moalin-Aden "Tiiceey"
President of Himan & Heeb State
Adado, Central Regions of Somalia
*+25261 5322008 - **Somalia***
*+2526 99987156 - **Somalia***
*+2526 2800600 - **Somalia***
*+254 720113012 - **Kenya***
*+1 612 5984226 - **USA***
Email: *tiiceey@hotmail.com*
tiiceey@gmail.com

"Test" e-mail from 'Tiiceey' dated 18 November 2012



Test, Central Air

Here is my email please acknowledge if you receive this mail.
Cheers.

Mohamed A. Moalin-Adan "Tiiceey"
President of Himan & Heeb State
Adado, Central Regions of Somalia

Annex 4.6.l: Central Air management and offices

Mohamed Abdi Hassan 'Afweyne', CEO and Managing Director of Central Air Aviation.

Mohamed Abdi Hassan 'Afweyne' in pink shirt leaving his own aircraft, the Ilyushin-18 EX-18006 'Blue Goose'[152]

Adbirahman Hirsi Dahir, Managing Director of Central Air.

148. In an interview with Iran's Press TV, Adbirahman Hirsi Dahir, the Managing Director of Somali domestic carrier, Central Air, said his airline had been doing good business flying to front line towns, charging as much as USD 80 for one-way flights.[153]

Abdirahman Hirsi Dahir in his office

AIR
WORLDWIDE

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[152] http://www.goboladaradio.com/?p=10500.

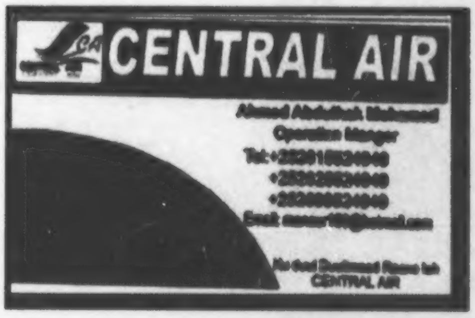
[153] http://www.theafricanaviationtribune.com/2013/03/somalia-despite-ongoing-war-somali.html; https://www.youtube.com/watch?v=gSbDc-S6mNU#t=102

149. On Facebook, Abdirahman Hirsi Dahir is 'friends' with pirate negotiator and facilitators Galad Aden Tahlil, Mohamed Abdi Olad and Mahat Nur Geele (see also annex 4.7).

Ahmed Abdulhak Mohamed, 'Operation Manager' in Mogadishu. Also known as Ahmed Sheikh Abdulhak Mohamed and Ahmed Abdi.

Ahmed Abdulhak Mohamed

Business card of Central Air's Operation Manager in Mogadishu, Ahmed Abdulhak Mohamed.



CENTRAL AIR

CENTRAL AIR

Abdi Nor Kadiye, airport official in Kismayo.[154]

Abdi Nor Kadiye in front of Central Air's EX-18006 'Blue Goose'

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[154] https://www.youtube.com/watch?v=Oil9E67rlHM.

Ali Yusuf Jama, representative of Central Air in Garowe, Puntland.

Ali Yusuf Jama[155]

Ali Yusuf Jama at the same office in Garowe

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[155] http://allpunttland.com/warar/shirkada-diyaaradaha-centeral-air-ayaa-heshey-ogolaanshii-u-horeeyey-iney-isticmaasho-garoonka-diyaaradaha-garowe.

Ali Yusuf Jama (left) sitting next to former Puntland Minister of Internal Security, General Abdullahi Said Samatar

150. General Abdullahi Said Samatar (middle) was previously named by the Monitoring Group (S/2010/91) as one of the members of Faroole's cabinet receiving proceeds from piracy and/or kidnapping. He was then Faroole's Minister for Internal Security.

151. On Facebook, Ali Yusuf Jama is connected to the alleged Puntland pirate leader Abdulkadir Ali Jahaf 'Gaarrah' and suspected pirate financier 'Haji' Abiaziz Mohamud Ali.

Annex 4.7: Pirate finances

152. The continuing absence of international sanctions against Somali pirate leadership has allowed pirate leaders, investors and facilitators, not only to invest their illegally acquired funds into other business ventures, but also to keep those funds in bank accounts, transfer them to business partners, launder them overseas or support family and friends in the diaspora.

153. In this regard, the Monitoring Group has identified various money transfers and bank accounts of identified pirate leaders, investors and facilitators, some of which have account balances of close to one million dollars and reflect dealings with a wide range of individuals inside and outside Somalia, including holders of senior positions in the Federal Government of Somalia (FGS).

Mohamed Abdi Hassan 'Afweyne'

154. Mohamed Abdi Hassan 'Afweyne' has been involved in the piracy business at least since 2005. He is considered to be responsible for at least 24 hijacking and abduction cases and has often and publicly admitted his involvement, including during a 24 April 2013 interview with AFP.[156] In 2010, the Monitoring Group proposed Afweyne for sanctioning, but he has as yet not been listed.

155. For years Afweyne ran a successful *khat* business in Somalia and since May 2012 he has operated the domestic airline company Central Air Aviation (see annex 4.6).

156. Afweyne is currently jailed in Belgium awaiting trial for his 2009 involvement in the hijacking of the Belgian stone carrier *Pompeii*. He was arrested at Brussels airport on 12 October 2013 along with his business partner and accomplice, pirate facilitator Mohamed Abdullahi Moalin-Aden 'Tiiceey'.[157] While in prison, Afweyne's businesses interests are represented and supervised by his son, Abdikadir Mohamed Abdi.

157. The Monitoring Group has identified 4 of Afweyne's bank accounts in 3 different banks. Three bank accounts are located in Mogadishu and one is in Hargeisa:[158]

1) Bank account A with the Salaam Financial Services Bank in Hargeisa reportedly has a balance of USD 900,137 and is registered with a proxy account holder named 'Amina Mohamed Abdi Hassan', a Member of the Federal Parliament of Somalia and allegedly a member of Afweyne's family.[159]

2) Bank accounts B and C are in the Salaam Somali Bank in Mogadishu, which is associated with the Salaam Financial Services Bank in Hargeisa and the Salaam African Bank in Djibouti.[160]

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[156] https://www.youtube.com/watch?v=4OhALvHUKXI.

[157] http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/10378290/Somali-pirate-chief-arrested-after-being-lured-to-Belgium-by-police-posing-as-documentary-makers.html.

[158] All bank account numbers in possession of the Monitoring Group.

[159] Information obtained on 11 January 2014.

[160] Information obtained on 30 October 2013.

3) Bank account D is in Bank X in Mogadishu.[161]

158. Assistance requested from the banks in order to confirm the information obtained regarding bank accounts A, B and C was not forthcoming.

Bank account D

159. In bank account D of Bank X in Mogadishu, a total amount of USD 948,883 was deposited between May 2012 and December 2013. The proxy holder of the account has been identified as the finance officer of Central Air Aviation, Ali Mohamud Ali, who is associated with several individuals involved in piracy, including Hobyo-Harardhere pirate leader Mohamed Osman Mohamed 'Gafanje' (see annex 4.6).

160. The e-mail address that was used to register the bank account belonging to Afweyne has been identified as the personal e-mail address of Kamal Dahir Hassan 'Gutale', the former Chief of Staff of FGS President Hassan Sheikh Mohamud. Kamal Hassan is said to be a 'cousin' of Afweyne.[162]

161. Another acquaintance and business partner of Afweyne is Aruse Nur Shuriye, a.k.a. Nur Lugey, who serves as a person of introduction on Afweyne's bank account. Nur Lugey lives in Adado and runs the local "Walaalaha Company" which owns and manages Adado Airport. For the past decade Walaalaha Company has been involved in the rebuilding of the airport, which facilitated the growing *khat* and airline business of Afweyne but also meant additional tax-income or revenues for the local Himan and Heeb Administration.[163]

162. Twenty-two incoming transfers or deposits between May 2012 and December 2013 can be identified in the account, with an overall average amount of USD 43,132 per transfer. The highest incoming transfer registered was USD 327,000. Of 221 outgoing transfers or withdrawals recorded on the account, the average transfer amounted to USD 4,292.

163. The incoming and outgoing transfers on the account contain insufficient information to allow proper identification of senders and beneficiaries. However, some of the names of the beneficiaries are similar to names of well-known pirates and facilitators associated with the Hobyo-Harardhere piracy network:

- *Mahad Mohamuud Nuur*: Beneficiary of USD 2,400; United Kingdom national; Director General of Indian Ocean Consultants company; involved in negotiation and mediation activities on behalf of the Hobyo-Harardhere pirate network; identified pirate facilitator.[164]
- *Galad Adan Tahlil*: Beneficiary of USD 3,480; Somali national and Norwegian refugee; identified pirate negotiator (see also the section on "other transfers" below).[165]

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[161] Information obtained on 4 November 2013.

[162] Bank account registration form in possession of the Monitoring Group.

[163] http://www.goboladaradio.com/?p=16604; https://www.youtube.com/watch?v=pF2hE98rjOg; http://www.nytimes.com/2011/10/09/magazine/taken-by-pirates.html?pagewanted=1.

[164] Monitoring Group report S/2012/544 (strictly confidential annex 4.3).

[165] Monitoring Group report S/2013/413 (strictly confidential annex 4.6).

- *Abdulkadir Mohamed Abdi*: Beneficiary of USD 4,000; Somali national; son and representative of his father Mohamed Abdi Hassan 'Afweyne'; identified pirate leader.
- *Abdisalan Khalif Ahmed*: Beneficiary of USD 1,000; Somali national; former District Commissioner of Harardhere; identified pirate negotiator.[166]

Separate transfer to Zakarie Hussein Arreh

164. There are dozens of money transfers to or from Afweyne that have been identified by the Monitoring Group, but these transfers for the most part do not include sufficient information to allow proper identification of the senders or beneficiaries.

165. However, on 14 July 2012, Afweyne sent USD 30,000 to the Djiboutian telephone number +253 77833137, which appears to be monetary compensation for facilitation services provided by the owner of the telephone number, 'Zekria Husein Are', identified as 'Zakarie Hussein Arreh', a Somali diplomatic passport holder and Member of the Somali Federal Parliament since 18 August 2004.[167]

166. Zakarie Hussein Arreh, who is said to rarely appear for sessions of Parliament, is also a Djiboutian national and a member of the Djiboutian President's clan, Isse Madobe. He is known in Djibouti as 'Zakaria Djama Arreh' and described to be a 'high ranking officer' in the Djiboutian intelligence service. Zakarie was allegedly handpicked in 2004 by the President of Djibouti, Ismail Omar Guelleh, to serve in the Somali Parliament, where he subsequently became an ally of the Speaker of the Parliament, Sharif Hassan.[168]

167. Unconfirmed information obtained by the Monitoring Group indicates that since 2008 Zakaria has been facilitating various groups and organizations responsible for destabilizing Somalia and the wider region. He is alleged to be one of the Members of Parliament affiliated with Sheikh Sharif that joined ARS-Asmara and became a member of the committee responsible for transporting and smuggling arms from Eritrea to Somalia in support of armed opposition groups.[169]

168. In 2009, Zakaria reportedly came into contact with Abdifatah Hassan Afrah, who served as then Somali President Sheikh Sharif's envoy to Libya. Both men entered into a business arrangement to facilitate the travel of eight senior pirates to Tripoli: Mohamed Abdi Hassan 'Afweyne', Mohamed Osman Mohamed 'Gafanje', Mohamed Abdi Garaad, Fathi Osman Kahiye and 4 others. They were invited to attend the celebrations marking President Muammar Gaddafi's fortieth anniversary in power during early September 2009, and subsequently flew to Libya on Djiboutian passports furnished by Zakaria.

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[166] Monitoring Group report S/2013/413 (strictly confidential annex 4.5).

[167] Money transfer and passport identification are in possession of the Monitoring Group. Zakarie Hussein Arreh was a Member of the Somali Parliament between 18 August 2004 and 17 April 2007, and from 17 August 2012 until the present.

[168] Confirmed by credible European military intelligence source on 25 November 2013, and a confidential Somali source, with contacts inside Somali and Djibouti intelligence agencies, on 5 June 2014.

[169] Information obtained from a confidential Somali source, with contacts within Somali and Djibouti intelligence agencies, on 5 June 2014.

169. In subsequent years, Zakaria apparently continued to facilitate the international travel of pirates and senior members of Al-Shabaab by providing them safe passage at Djibouti airport for their onward journey to Yemen, Eritrea and Sudan, allegedly under the cover of the Djiboutian Government.[170]

170. Both Zakaria and Afrah are alleged to have acted as pirate financiers and invested funds in pirate operations. Afrah is the current Governor of Hiraan region in Somalia. According to the 'Chambre de Commerce de Djibouti', Zakaria is Director of a construction company called 'Dallah Djibouti SARL'.[171]

171. In addition, Zakaria has been in contact with:

- Several individuals previously involved in piracy, including pirate kingpin Afweyne, pirate leader Abdikadir Mohamed Abdi (the son of Afweyne) and pirate negotiator Hersi Ali Mohamud — also known as Ali Hassan and Ali Hersi (see annexes 4.5 and 4.3.f);[172]
- Farah Sheikh Abdulkadir Mohamed, the FGS State Minister in the Office of the President until December 2012 and currently Minister of Justice and Constitutional Affairs;
- Said Hassan Shire, Speaker of the Puntland Parliament;
- Ali Abdi Aware, the representative of Puntland in Djibouti during 2011, the former State Minister of the Puntland President's Office and Presidential candidate in 2008 and 2014;
- Said Mohamed Rage, the current Minister of Ports and Marine Transport for Puntland;
- Kamal Dahir Hassan Gutale, former assistant of the TFG Minister of Foreign Affairs and former Chief of Staff of FGS President Hassan Sheikh Mohamud;
- Asha H. Elmi, wife of the former Somali Prime Minister Sa'id Shirdon and a serving Member of the Somali Federal Parliament;
- Abdiwali Mohamed Ali Gaas, the current President of Puntland;
- Eng. Nadifo Mohamed Osman, the current FGS Minister of Public Works and Reconstruction and a serving Member of the Somali Federal Parliament;[173]
- Suri Diriye Arab, a serving Member of the Somali Federal Parliament;[174]
- Mohamed Ali Hagaa, a serving Member of the Somali Federal Parliament and the current FGS State Minister of Defence;[175] and

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[170] Information obtained from a confidential Somali source, with contacts within Somali and Djibouti intelligence agencies, on 5 June 2014.

[171] http://www.ccd.dj/enterprise/dallah-djibouti-906.html.

[172] Hersi is also a member of the pirate negotiation and mediation company Indian Ocean Consultants.

[173] http://almisnews.info/2014/01/war-dag-dag-ah-liiska-golaha-wasiirrada-dawlada-taagta-daran-ee-somaliya-oo-dhameystiran/#.

[174] http://www.somalilandcitizen.com/2012/08/18/xubnaha-beesha-habarjeclo-ee-liiska-baarlamaanka-somaliya-ku-soo-baxay/.

[175] He is also in contact with Mohamed Aden Tiiceey.

- Abdi Mohamed Abtidon, a.k.a. Abtidoon Koofi Shabaq, a serving Member of the Somali Federal Parliament.[176]

Pirate negotiator 'Ali'

172. During the course of 2011, Somali pirate negotiator 'Ali', negotiated the release of a hijacked tanker.[177] When negotiations were nearing their final stage, Ali attempted to extort a multi thousand dollar side payment in compensation for his services, and provided the ship owner with a bank account number at the Salaam African Bank in Djibouti for the transfer:[178] In addition, Ali provided the number of a second bank account in the Salaam Somali Bank in Mogadishu, affiliated with the Salaam African Bank in Djibouti. The second account included the name of the account holder.[179]

173. Further to these established facts, the Monitoring Group was informed that the owner of the Salaam African Bank account number in Djibouti, who is believed to be negotiator Ali, is a friend and business partner of the owner of the Salaam Somali bank account number in Mogadishu and allegedly the first 'cousin' and son-in-law of Ali Ahmed Nur Jim'ale, the Al-Barakat owner formerly sanctioned by the United Nations. The first 'cousin' and son-in-law was also said to be working at the Salaam African bank in Djibouti and to operate a car business with Ali.[180]

174. The Monitoring Group obtained a photograph of pirate negotiator 'Ali' that was subsequently shown to 11 crewmembers of a 2010 hijacked vessel, who were able to recognize Ali's image (see photograph in strictly confidential annex 4.7.a).[181]

Non-cooperation in verification

In order to verify the facts and substantiate the allegations above regarding Ali, and given the added information that Afweyne possesses bank accounts with the Salaam Financial Services Bank in Hargeisa and the Salaam Somali Bank in Mogadishu, the Monitoring Group met in Djibouti on 17 February 2014 with the Chairman of the Salaam African Bank, Omer Ismail Egal.

During the meeting, Mr. Ismail Egal indicated that the bank had no desire to directly assist the Monitoring Group with its queries and investigations and referred the Group to the Central Bank of Djibouti for any further information related to the Salaam African Bank and/or its affiliates in Hargeisa and Mogadishu.

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[176] He is also a contact of Mohamed Aden Tiiceey and likely the brother of Shamso Mohamed Abtidon, the wife of Tiiceey and a member of the Habar Gidir Saleebaan clan.

[177] Pirate negotiator Ali's involvement was also established in various other hijacking cases identified by the Monitoring Group.

[178] The hijacked tanker is identified by the Monitoring Group and was released for a multi-million dollar ransom payment.

[179] Both bank account numbers and full name of the account holder of the second bank account in posession of the Monitoring Group.

[180] Detailed information in possession of the Monitoring Group and obtained from a confidential Somali source with direct knowledge of these relationships via e-mail on 30 October 2013.

[181] Information obtained on 10 July 2014.

The same day, on 17 February 2014, the Monitoring Group met with Ali Daoud Houmed, Chief of the Financial Intelligence Unit of the 'Banque Centrale de Djibouti', who confirmed that the Central Bank held the information requested by the Monitoring Group. However, he insisted that the Group first meet with the Governor of the Central Bank, Ahmed Osman Ali. While he informed the Monitoring Group that a meeting with the Governor would be arranged later that day or the following day, the Group did not hear back from Mr. Houmed and he did not respond to repeated phone calls and e-mails sent on 17 and 18 February 2014.[182]

Further attempts to obtain the information sought by the Monitoring Group via the Government of Djibouti were equally unsuccessful. The Group did not receive a response to its official letter sent on 14 April 2014 to the Permanent Representative of Djibouti to the United Nations, Roble Olhaye, and several follow-up e-mails and telephone calls with the Permanent Mission of Djibouti to the United Nations yielded no result.[183]

Consequently, some of the facts and allegations above remain unverified. As in the past, the Government of Djibouti seldom responds to enquiries relating to its alleged nationals or residents that are considered a threat to the peace, security and stability of Somalia. Withholding information about such individuals not only obstructs the work and investigations of the Monitoring Group, it also contributes to the impression that Djibouti continues to service as a safe haven for regional spoilers.

Abdullahi Mohamed Jama 'Farahow'

175. Abdullahi Mohamed Jama 'Farahow' is a Barawe-based pirate leader and investor whose involvement was established in multiple piracy cases, including the hijackings of the vessels *Indian Ocean Explorer* (2009), *Hansa Stavanger* (2009), *Pompeii* (2009), *Alakrana* (2009), *UBT Ocean* (2010), *Izumi* (2010-11), and *York* (2010-11), as well as the hijacking of the yacht *Choizil* (2010-11) and abduction of the South African couple Deborah Calitz and Bruno Pelizzari.[184]

176. "Farahow" or "Farah" reportedly used to sell cows and camels in the local market in Barawe. He became wealthy from his involvement in piracy activities and he now owns a small but luxurious house in Barawe. Farahow is from the Habar Gidir Saleban clan and is 44 years old (see photograph attached in strictly confidential annex 4.7.b).[185]

177. The Monitoring Group identified one bank account owned by Farahow, registered in the name of Abdullahi Mohamed Jama Farah, with a balance of

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[182] E-mails in possession of the Monitoring Group.

[183] S/AC.29/2014/SEMG/OC.35 sent via fax on 14 April 2014.

[184] Credible information obtained and corroborated by various military intelligence sources on 24 May 2011, and law enforcement sources on 8 February 2013.

[185] Information extracted from an interview with a resident of Barawe in Nairobi on 19 November 2013.

USD 51,932. Between 28 July 2010 and 30 November 2013, 16 incoming transfers were deposited on the account, representing a total of USD 612,072 or an average of USD 38,245.50 per transfer.[186]

178. As is often the case, both the incoming and outgoing transfers contain too little information to properly identify the senders and beneficiaries, although the names of some of the individuals match the names of known pirates.

180. For example, on 16 May 2011, an individual named Mohamed Mohamud Kulane' 'Indha'ade' transferred USD 60,000 to Farahow's account, a name that is identical to that of a 49-year old suspected pirate financier and brother of Abdullahi Mohamud Kulane 'Buundo', a notorious pirate financier previously identified by the Monitoring Group (S/2013/413, strictly confidential annex 4.4) and involved in various hijacking and abduction cases.[187]

180. Also, various incoming transfers representing a total amount of USD 349,600 were sent under the name of 'Abdullahi Ali Cad', a name identical to the name of a suspected pirate financier who during 2011 and 2012 transferred USD 3,950 to negotiator 'Adam', a member of the pirate negotiation company Indian Ocean Consultants. 'Adam', who was identified as 'Ahmed Mohamud Mohamed', negotiated in 2012 the release of 4 South Korean hostages of the hijacked chemical tanker '*Gemini*', who had been kept in captivity following the release of the vessel. 'Adam' was also found to be involved in other hijacking cases.[188]

181. Separate from his bank account, the Monitoring Group identified 22 additional transfers related to Farahow, three of which contained enough information to allow for further identification.[189]

183. On 13 June 2011, suspected pirate financier based in Harardhere, Mohamed Mohamud Kulane 'Indha'ade', the brother of Harardhere pirate financier 'Buundo', transferred another USD 18,500 to Farahow in Barawe.

183. On 10 October 2012, Bacer Mohamed Bulale received USD 497 from Farahow, transferred from Barawe. Communication data reveals that Mohamed Bulale is a known contact of renowned Hobyo-Harardhere pirate leader Mohamed Osman Mohamed 'Gafanje' and pirate financier Abukar Moalim Hassan.[190]

184. On 17 April 2013, Farahow transferred USD 590 from Barawe to Abdikadir Ahmed Osman, based in Ajman, UAE. Communication data indicates that Abdikadir Ahmed Osman, holding a UAE mobile number, was in contact with two individuals linked to the hijacking of the *York*. The same two individuals were found registered on a SIM card in possession of Abillahi Isse Jama, a pirate arrested at sea for the attempted hijacking of the Spanish tuna fishing vessel *Izurdia* on 24 October

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[186] All bank account details and transfers in possession of the Monitoring Group.

[187] Buundo's involvement was established in the hijackings of the Rak Afrikana (2010), *York* (2010-11), *Gemini* (2011), *Orna* (2010-12) and both the post-release retention of hostages of the *Gemini* (2012) and the *Orna* (2012-13).

[188] These include the *Izumi* (2010-2011) and the *Beluga Nomination* (2011).

[189] Additional 22 transfers in possession of the Monitoring Group.

[190] Money transfers and communication data in possession of the Monitoring Group.

2012.[191] The arrested pirate Jama was also found to be in contact with Mohamed Mohamud Kulane 'Indha'ade', the suspected pirate investor and brother of pirate financier 'Buundo'. The two individuals on the SIM card were registered as Yahye Abdi Osman and Abdi Ahmed Burane.[192]

Ahmed Diriye Abdile

185. Ahmed Diriye Abdile 'Cagdheer' (meaning "long-footed"), also known as Ahmed Elmi 'Cagdheer' and 'Cagdheer' Diiriye Dhagaweyne, is a member of the Omar Mohamud/Abdi Isse sub-clan from Gara'ad, Jerriban district in Mudug region. He reportedly lost one eye during a battle in 1997.

186. In 2012, the Monitoring Group reported that the 45-year old Ahmed Diriye, an Ethiopian passport holder residing in the UAE, was a recipient of piracy proceeds and involved in money laundering activities (S/2012/544, strictly confidential annex 4.4). Similar to other pirate leaders, financiers and facilitators identified, Ahmed Diriye was never subject to international sanctions.

187. Twice the Monitoring Group sought additional details on Ahmed Diriye from the UAE Government, but the Group did not receive responses to its letters.[193]

188. Within the Somali financial community in Dubai, Ahmed Diriye is described as a broker who receives money from businessmen in Somalia, and transfers value by purchasing commodities that are shipped back to Somalia for resale in vessels or wooden dhows.[194]

190. With only limited insight into his financial activities, the Monitoring Group is aware that between May 2009 and May 2014 Ahmed Diriye Abdile was the recipient of USD 1,575,112.47, which largely derived from Somalia. While most of the information obtained by the Monitoring Group contains too few details to allow proper identification, two individuals associated with activities of Somali piracy, Astur Jawaase and Abdi Yare, were found to have sent funds to Diriye, as was his brother Abdiqani Diriye Abdile.[195]

Astur Jawaase

190. Astur Jawase Abdi, also known as Astur Ibrahim Abdi, is from the Majerteen Osman Mohamoud clan. She and her husband, Abdul Warsame, live in Garowe, Puntland, and were reportedly active as pirate facilitators and investors for several pirate groups, including the one led by Isse Yuluh. Astur Jawase Abdi sent transfers totaling USD 8,197 to Ahmed Diriye between late November 2013 and January 2014.[196]

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[191] On 24 October 2012, 120 nautical miles southwest of Socotra, the European Union Naval Force (EU NAVFOR) ship *ESPS Castilla* took custody of six suspected Somali pirates, who allegedly attempted to seize the Spanish tuna-fishing vessel *Izurdia*. Their transfer to Spain was ordered by the Central Court of Prosecution no. 3 in Madrid.

[192] Information obtained from European law enforcement source on 1 November 2013.

[193] Letters S/AC.29/2012/SEMG/OC.43 of 6 March 2012 and S/AC.29/2013/SEMG/OC.25 of 8 March 2013.

[194] Information obtained from a reliable contact within the Somali financial community, in Dubai on 16 June 2014.

[195] Money transfers in possession of the Monitoring Group.

[196] Money transfers in possession of the Monitoring Group.

Abdi Yare

191. Abdullahi Ahmed Haji Farah, also known as 'Abdullahi Farah Hassan' and 'Ahmed Mohamed Hajji Abdi', is better known as 'Abdi Yare' (meaning "Small Abdi"). He is believed to be between 28 and 32 years old and was identified by the Monitoring Group in 2011 as a Puntland pirate leader and investor from Gara'ad who runs a heavily armed militia (S/2011/433, paragraphs 28-30). As a Puntland pirate leader he also operated in Hobyo and Harardhere and was in contact with Afweyne and his son Abdikadir Mohamed Abdi. He was found to be involved in at least 15 hijacking cases between 2008 and 2011.[197]

192. During 2011 and 2012, Abdi Yare sent several money transfers to Ahmed Diriye, representing a total amount of USD 41,504. During the same period, Abdi Yare also sent a total amount of USD 125,980 to various other Somali's in Dubai.

Abdiqani Diriye Abdile

193. Abdiqani Diriye Abdile is identified as the brother of Ahmed Diriye and sent him USD 26,300 in 2013. Judging from their Facebook accounts, both brothers seem to have ties or some form of relationship with Puntland President Abdiweli Mohamed Ali 'Gaas'. While Ahmed glorifies Puntland and posts pictures of Gaas,[198] Abdiqani posts a photograph in which he is depicted with President Gaas.[199]

Abdiqani Diriye Abdile with Puntland President Abdiweli Mohamed Ali 'Gaas'

Ahmed Mohamud Sheikh Aweis

194. In 2013, the Monitoring Group identified a bank account in Harardhere in the name of 'Diini Spare Parts', to which a victim shipping company was instructed to transfer USD 30,000 as an incentive for ensuring a smooth release of a hijacked vessel (S/2013/413, strictly confidential annex 4.4).

195. Between April 2010 and January 2014, over USD 1.5 million was transferred onto this account in Harardhere, which is owned by Ahmed Mohamud Hassan

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[197] *Bright Ruby* (2008), *Nipayia* (2009), *Hansa Stavanger* (2009), *Pompeii* (2009), *Alakrana* (2009), *Saad 1* (2009-2010), *Lynn Rival* (2009-2010), *Win Far 161* (2009-2010), *Navios Apollon* (2009-2010), *Samho Dream* (2010), *Marida Marguerite* (2010), *York* (2010-2011), *Hannibal II* (2010-2011), *Blida* (2011), and the *Khaled Muhieddine K* (2011).

[198] https://www.facebook.com/mohamedabdiqadir.puntlander.

[199] https://www.facebook.com/abdiqani.dirie1.

'Aweis'. The suspected pirate financier Mohamed Mohamud Kulane 'Indha'ade' also transferred funds onto the account.[200]

Pirate facilitator Ahmed Mohamud Aweis

Other transfers

196. The Monitoring Group has identified various other money transfers of individuals connected to activities of Somali piracy.[201]

197. *Abdiweli Yusuf Cilmi* was identified as a pirate logistical supplier for the Puntland piracy network. In April 2012, he laundered USD 42,000 worth of shares in the ransom payment for the pirated vessel 'Irene SL' through Ahmed Diriye Abdile in Dubai (S/2012/544, strictly confidential annex 4.4). On 29 October 2012, he transferred another USD 17,970 to himself from Bossaso to Galkayo. Earlier, in April 2009, he received USD 9,690 from an individual named Guled Abdullahi Mohamed in Bossaso, and other transfers suggest that he has family members residing in Canada and Kenya.

198. *Yusuf Bashir Nur Gedi*, also known as 'Joseph', was identified as a Puntland negotiator active in Isse Yuluh's pirate network and negotiated the release of at least 12 hijacked vessels, including the EMS River (2010-2011), *Susan K* (2011) and *ING* (2011).[202] When agreement was reached on the ransom payment for the *Susan K*, 'Joseph' demanded a side payment for his successful negotiations and provided the ship owner with a bank account number at the Dubai Islamic Bank in the name of Abdillahi Yousuf Rage. 'Joseph' also received a money transfer for USD 998 sent by an unknown individual named 'Abdikhadar Adawe Adem' (photographs of Yusuf Bashir Nur Gedi appears in strictly confidential annex 4.7.c).

199. *Abukar Sheikh Hassan Duale*, the NationLink manager in Harardhere and identified as a pirate facilitator linked to senior pirate leaders, financiers and negotiators, transferred USD 660 on 1 August 2013 to *Abdishakur Mohamud Mohamed*, identified as a pirate negotiator involved in the hijacking of the Rak Afrikana (2010-2011). The Monitoring Group previously described the involvement of both individuals in activities of Somali piracy (S/2013/413, strictly confidential annexes 4.8 and 4.9).

200. *Mohamed Osman Mohamed 'Gafanje'*, the renowned Hobyo-Harardhere pirate leader known for his involvement in numerous hijacking and abduction cases, and

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[200] Money transfers in possession of the Monitoring Group.

[201] All details of the transfers indicated in possession of the Monitoring Group.

[202] Information received from credible law enforcement agency on 21 February 2014.

who is still holding captive the American-German journalist Michael Scott Moore, sent in 2009 funds to two women in Mogadishu and Nairobi, identified as Khadiija Sahal Farah and Anab Ali Ahmed.[203]

201. *Abdullahi Farah Qarey*, a well-known Amara-based pirate negotiator also known as Abdullahi Jareer, Jabril and Abdi, received USD 1,000, which had been sent to Adado by an individual assumed to be a family member named Shino Hersi Qarey. Abdullahi Jareer's involvement has been established in many hijacking and abduction cases and is reportedly still active negotiating the release of Michael Scott Moore.[204]

202. *Galad Adan Tahlil*, a pirate negotiator, received in Mogadishu at the end of June 2010 a transfer for USD 500 from Nairobi-based BBC World journalist Mohamud Ali Mohamed. A year later, Tahlil would be negotiating the ransom payment for the release of the pirated UAE-operated general cargo vessel *Orna* and its 19 crewmembers (S/2013/413, confidential annex 4.6). The mobile number associated with Galad Adan Tahlil on the money transfer, however, belongs to *Mohamed Abdi Olad*, a pirate facilitator with whom Tahlil is acquainted and an accomplice of pirate negotiator Abdullahi Jareer (pictures of Mohamed Abdi Olad appears in annex 4.7.d).[205] Tahlil currently runs a company called "Express Cars", involved in the export and import of cars and spare parts, and with offices in Dubai and Mogadishu. On 23 October 2013, he was transiting in Frankfurt Airport at the Lufthansa First Class Terminal.

203. *Mohamed Muse Said*, one of Puntland's major pirate investors also known as 'Aargoosto' or 'lobster', sent USD 5,978 during 2009 and 2010 to Yasir Hassan Yahye-abkar, an unknown individual believed to be from Yemen. Aargoosto was reportedly involved in the hijackings of the Golden Nori (2007), Marida Marguerite (2010), *Samho Dream* (2010) and *Golden Blessing* (2010).[206]

204. *Isse Mohamud Yusuf*, widely known as 'Isse Yuluh' and one of Puntland's top pirate leaders, was responsible for many hijackings during the past 6 years, including the last high-value merchant vessel Somali pirates managed to capture.[207] In 2009, Isse Yuluh sent USD 6,993 from Bossaso to an individual named Osman Mohamud Osman in the UAE. In March 2014, Yuluh announced in the media his renunciation of piracy and was reportedly given 'amnesty' by the Puntland Government.[208] The deal was brokered by 'Abdullahi Eid', the interior and

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[203] On 18 August 2014, Somali Security Forces reportedly arrested pirate leader Gafanje, whom the FGS was meeting with during February 2013 in Mogadishu to negotiate amnesty for individuals formerly involved in piracy. At the time of writing it remained unclear for which reasons Gafanje was arrested; http://goobjoog.com/english/?p=2672.

[204] For example, the *Indian Ocean Explorer* (2009), Pompeii (2009), *Alakrana* (2009), Al Khaliq (2009-2010), Panama (2010-2011), *Orna* (2010-2012), Spanish MSF aid workers (2011-2013), *Aride* (2011-2012), and *Naham 3* (2012-present).

[205] Mohamed Abdi Olad (born 28 February 1968) has been involved in facilitating extortion of side payments from ship owners (for the hijacked 'Pompeii', 'Al Khaliq', and four South Korean crewmembers of the '*Gemini*') in cooperation with pirate negotiator Abdullahi Jareer.

[206] For more details on Mohamed Muse Said 'Aargoosto' see Monitoring Group report S/2013/413, annex 3.1.c.

[207] For more details on Isse Mohamud Yusuf 'Yuluh' see Monitoring Group report S/2013/413, annex 3.1.c.

[208] March 2014: http://horseedmedia.net/2014/03/07/somalia-top-somali-pirate-commander-quits-decline-industry/.

municipalities affairs adviser to the Puntland President, Abdiweli Mohamud Ali 'Gaas', and formerly a prominent member of Gaas' Puntland Presidential election campaign team. Like Isse Yulluh, Abdullahi Eid is also a member of the Majeerteen/Ali Saleebaan sub-clan.[209]

205. *Hussein Mohamed Abdi*, a Hobyo-Harardhere pirate leader and financier also known as 'Hussein Jiis' and Hussein Mohamed Yare, received transfers amounting to USD 11,088.50 during 2011 and 2012 sent by different individuals involved or associated with activities of Somali piracy. On 23 May 2011, he received USD 4,985 from Hawa Dirie Ahmed, the wife of pirate leader Mohamed Osman Mohamed 'Gafanje', and he also received funds from pirate financier Abdullahi Mohamud Kulane 'Buundo' and his brother Indha'ade.[210]

206. *Mahad Mohamuud Nuur*, nicknamed 'Nasser' and Director General of the pirate negotiation company Indian Ocean Consultants, sent from Dubai USD 37,500 on 26 January 2012 to Abdihadif Ali Roble in Mogadishu. Mahad Nuur's involvement in piracy activities was established in the *Orna*, *Gemini* and *Choizil* hijacking cases.

207. *Hassan Sheikh Ahmed Ali* 'Macsharo', is a known pirate negotiator who registered the websites of the pirate negotiation company Indian Ocean Consultants and Afweyne's airline company Central Air Aviation (see annex 4.6 and annex 4.6.f). On 14 April 2011, he received USD 25,000 from Mahboob Ali Nasib-ali in the UAE,[211] who was found to be in contact with renowned Hobyo-Harardhere pirate leader and financier Abdirahman Abdullahi Haji 'Suhufi'[212] and with pirates on board the hijacked vessel '*Asphalt Venture*', which was coincidentally released on 15 April 2011, the day after the transfer of the funds.[213] As Suhufi was an investor in the *Asphalt Venture* hijacking, and as members of Indian Ocean Consultants were involved in the ransom negotiations for the release of the vessel, it is almost certain that the USD 25,000 served as a side payment for the Indian Ocean Consultants and its negotiator.[214]

208. In addition, Macsharo received funds from suspected pirated financier Mohamed Mohamud Kulane 'Indha'ade', and sent funds to his brother in the United Kingdom and to himself in Djibouti.

209. *Mohamed Shirweyne* is a pirate leader and organizer using a mobile telephone number connected to the names Dahir Ali Abtidon and Mohamed Hussein Ahmed.

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[209] See also http://www.galgalanews.com/2014/05/04/dowlada-puntland-ciise-yulux-oo-is-kaashanaya-warbixin/; and http://puntlandi.com/puntland-mid-ka-mid-ah-raga-ugu-caansanaa-burcadbadeeda-soomaalida-oo-sheegay-inuu-isaga-baxaydhagayso/.

[210] Hussein Jiis' involvement was established in the hijacking of the *Orna* and the abduction of 2 Spanish MSF workers.

[211] Money transfer in possession of the Monitoring Group.

[212] Local Somali sources claim that Suhufi's full name is "Abdulrahman Abdullahi Haji Aden" and that he is the first cousin of Ahmed Abdisalan Haji Aden, Somalia's current Ambassador to Ethiopia and co-founder/managing partner and former director of programs of the Mogadishu-based radio 'HornAfrik' (2007). Suhufi reportedly trained and worked as a full-time staff member at Abdisalan's radio station, well before he joined the lucrative piracy business. Hence, his nickname 'Suhufi (journalist).

[213] http://eunavfor.eu/mv-asphalt-venture-released-from-pirate-control/.

[214] Abdirahman Abdullahi Haji 'Suhufi' is believed to still hold hostage 7 Indian crewmembers of the *Asphalt Venture*, held back following its release. The vessel was hijacked on 28 September 2010.

Between 2010 and 2013, these two men received transfers amounting to USD 17,128 from several individuals associated with Somali piracy. Shirweyne was found to be involved in a number of hijacking cases and to be in direct contact with pirate leaders Mohamed Osman Mohamed 'Gafanje' and Abdirahman Abdullahi Haji 'Suhufi'.[215]

210. *Qorane Aden Farah*, a Barawe-based pirate leader also known as 'Qorane', received three transfers amounting to USD 1,097 sent by individuals in Kismayo and Qoryoley. Qorane was reportedly the leader of a pirate group that hijacked the sailing yacht *Choizil* on 23 October 2010 and brought the two crewmembers ashore at Barawe in early November 2010.[216] The two South African crewmembers were both held hostage until their release on 21 June 2012.

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[215] Pirate leader Mohamed Shirweyne's involvement was established in the hijackings of the *Alakrana*, *Hansa Stavanger* and *Choizil*.

[216] As declared by an arrested pirate on 27 November 2010.

Annex 4.7.a: Photograph of pirate negotiator Ali (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.7.b: Photograph of pirate financier Abdullahi Mohamed Jama Farah (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.7.c:

Photographs of pirate negotiator Yusuf Bashir Nur Gedi (STRICTLY CONFIDENTIAL)*

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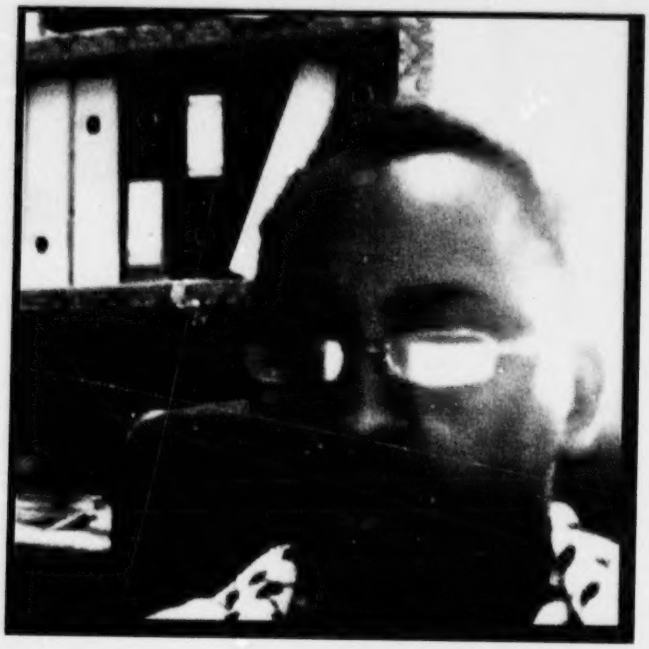
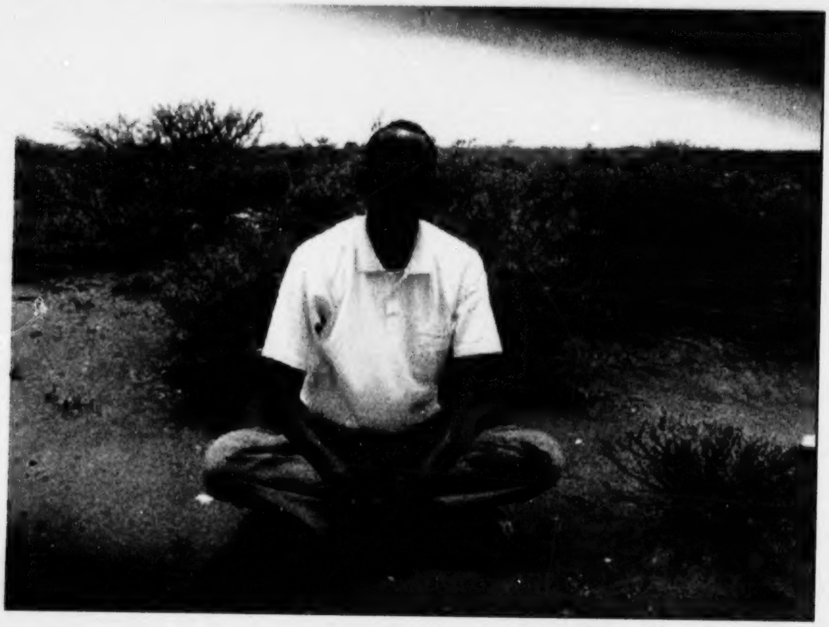
* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.7.d:

Photographs of pirate facilitator Mohamed Abdi Olad

Mohamed Abdi Olad, pirate facilitator and accomplice of renowned Hobyo-Harardhere pirate negotiator Abdullahi Jareer





Annex 5

Misappropriation of public financial resources

Annex 5.1: Illustrative overview of contracts

Oil and Gas sector

1. In its previous report (S/2013/413 annex 5.5), the Monitoring Group described some of the risks associated with increasing commercial activity in the oil and gas sector in Somalia without a resolution to constitutional and legal disputes surrounding the control of natural resources. It also highlighted transparency and accountability issues in the key Federal Government of Somalia (FGS) petroleum institutions that would govern capacity building and regulation, notably the Somali Petroleum Corporation and the Somali Petroleum Agency (SPA). During the course of 2013 and 2014, the FGS has nonetheless continued to engage in private negotiations with oil and gas companies and other corporations, resulting in a number of secret contracts and cooperation agreements that in due course are likely to exacerbate legal tensions and ownership disputes and stunt the transparent development of Somalia's oil and gas sectors.

Soma Oil and Gas

2. In August 2013, Soma Oil and Gas Exploration, a United Kingdom-registered company created in 2013 and chaired by the former leader of the United Kingdom Conservative Party, Lord Michael Howard, announced an agreement on 6 August 2013 signed with the FGS to conduct seismic surveys in Somalia's territorial waters and to collate and process historic seismic data, which would be placed into a data room controlled by the FGS. In return, Soma Oil would receive the right to apply for up to 12 oil licenses covering a maximum of 60,000 square kilometres of territory in Somalia.[1]

3. The contract has never been made public, nor was it approved by the Federal Parliament of Somalia although it was ratified by the Council of Ministers on 3 October 2013. Those involved in the architecture of the deal included Dr. Abdullahi Haider, special advisor to Somali President Hassan Sheikh Mohamud, and Jay Park, a Canadian lawyer who is managing partner of Petroleum Regimes' Advisory and Park Energy Law.[2] At a signing ceremony, Jay Park was accompanied by Abdirizak Omar Mohamed, the then Minister of Natural Resources.[3]

4. On 3 February 2014, the company announced it had signed a seismic contract with Seabird Exploration to cover 20,000 square kilometres of seismic data off the coast of Somalia. On 6 June 2014, the company announced it had completed 20,500 square kilometres of seismic data acquisition and that processing of the data would run until late 2014.

5. On 6 August 2014, Robert Shepherd and Philip Wolfe, Chief Executive Officer and Chief Financial Officer of Soma Oil and Gas Exploration Limited wrote to the

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[1] Announcement on 6 August 2013 of the *Oil and Gas Agreement Signed with Somalia* and Soma presentation entitled *Unlocking Somalia's Potential*, 29-30 April 2014.

[2] Four separate industry sources interviewed on 26 September 2013 and 12 April 2014. A former advisor to President Hassan Sheikh on oil matters also stated he had been informed by FGS energy ministry officials that Jay Park and Abdullahi Haider were the key architects of the deal on the FGS side.

[3] See http://som.horseedmedia.net/2013/08/somalia-federal-government-signs-oil-and-gas-agreement-with-soma-oil-gas-exploration-limited/. The former minister has been working as a consultant advisor to the Presidency following his departure from the FGS ministerial cabinet.

Monitoring Group to explain how they had managed the security arrangements for the Seabird operations. They stated that Soma had "contracted Peace Business Group, a licensed Somali security sector company to provide armed Somali personnel" and that "each seismic vessel was supported and protected by four support vessels and international and Somali security personnel on such support vessels". They stated that only Somali personnel held arms within the 12 nautical mile limit, and "internationally operated firearms remained outside the 12 nautical mile limit".[4]

Mubadala

6. On 17 July 2014, Mubadala, the sovereign investment fund of the United Arab Emirates (UAE) announced a cooperation agreement with the FGS aimed at "sharing knowledge, increasing the strength of the Somalia Ministry and its staff, and over time, developing upstream opportunities in Somalia".[5]

7. Given the institutional lack of capacity of Somali petroleum institutions, notably the SPA, the Monitoring Group is concerned that conflicts of interest could result from the provision of technical capabilities by corporate entities that are also seeking to secure oil acreage. If Mubadala's provision of "capacity" is not channelled into a transparently run SPA, which is responsible for managing a cadastre of licenses through a process of transparent auctions, the risk is that such "capacity" would serve to empower informal decision makers within the system who also may have a vested interest in parceling out licenses to favoured companies in secret deals. Seismic data, in particular, should be completely controlled by the SPA in a secure data room so that all companies eventually bidding for licenses would have equal opportunities to access data in a regulatory environment free from insider dealing.

8. In this regard, notably even at this stage the Minister of Petroleum and Natural Resources, Daud Mohamed Omar, has often been excluded from strategic decisions made by others who exert broader informal leverage over the decision making process related to oil licensing.[6]

Shell, ExxonMobil and BP

9. On 13 June 2014, Minister Omar visited the headquarters of Shell in The Hague, Netherlands. Shell was originally awarded a concession for five oil blocks (M3-M7) in Somalia in 1988, after which Mobil Exploration (now a unit of ExxonMobil) joined in as a 50 per cent partner (see S/2013/413, annex 5.5.b, for a map of where concessions lie). The companies have now begun discussions with the Ministry to convert the existing concessions, which have been under *force majeure* since 1990, to a Production Sharing Agreement, as called for by the 2008 Petroleum Law.[7]

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[4] Security for Seabird Exploration's activities was provided by Solace Global Maritime (based in the United Kingdom) and Salama Fikira International (registered in Mauritius).

[5] See announcement made on 17 July 2014 on http://www.mubadala.com/en/news/mubadala-petroleum-signs-cooperation-agreement-somalia.

[6] Diplomatic source dealing with oil sector stated that the Minister had frequently complained about this problem, 5 May 2014. A Somali source known to the Minister also stated the same on 24 July 2014.

[7] Joint Statement by the Federal Republic of Somalia and Shell, 13 July 2014.

10. While the negotiations with Shell and Exxon were widely publicized, the Monitoring Group is nonetheless concerned that such negotiations are premature and could spark conflict, especially since they have not been conducted in consultation with regional authorities who may be affected. Indeed, M5 is licensed over offshore territory claimed by Puntland. Just days after the announcement by Shell on the new discussions, Puntland's Director General of the Ministry of Mineral Resources and Petroleum, Issa Mohamoud Farah, rejected the legality of the negotiations, stating that "The Federal Government of Somalia does not govern over Puntland and all accords should be postponed until all states agree on how to share the country's natural resources".[8] The 2008 Petroleum Law, which directly contradicts constitutional provisions giving regional authorities rights to control the licensing of their natural resources, is also yet to be approved by the Federal Parliament.

11. On 4 August 2014, President Mohamud was reported as saying that the FGS was also in renegotiations with BP.[9] As previously shown by the Monitoring Group (S/2013/413, annex 5.5), BP's prior concessions in Somalia clash with current concessions licensed out by the Somaliland authorities.

Turksom

12. The Monitoring Group has received documentation concerning efforts by Musa Haji Mohamed 'Ganjab'[10] and Abdullahi Haider to operate a joint Turkish — Somali company known as "Turksom" that would be involved in building and operating a fuel distribution business and securing Turkish investments in Somalia.

13. On 25 November 2011, Musa Ganjab e-mailed a document purporting to be a proposal letter from Turksom, thanking the Government of Turkey for its support and requesting the company to be appointed as sole representative of all of Turkey's economic interests in Somalia. The letter stated that the company was registered in both Turkey and Somalia, although the phone numbers provided for its Somalia office are Ugandan numbers. The letter also stated that the company would be able "to provide effective security to each and every project that Turkey Government and private business are planning to implement in Somalia" (see annex 5.2.a for a copy of the letter).

14. By 2012, Turksom was incorporated and in discussions with another Somali company, Hass Petroleum, a leading oil marketing company in East Africa originally founded by a group of *Dhulbahante* businessmen from Sool region in northeastern Somalia. In an e-mail to Ganjab on 30 October 2012 entitled "*Memorandum of Understanding Between Turksom & Hass Petroleum (K) Ltd*", a director at Hass Petroleum discussed a joint venture for the rehabilitation of petrol stations in Mogadishu and for construction of a fuel depot and port infrastructure with Turksom. The director requested clarification from Ganjab on how he would like his shareholding to be structured within the joint venture. The e-mail was

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[8] See "Puntland rejects oil deal with Shell and ExxonMobil", 22 June 2014, at http://www.africareview.com/Business---Finance/Puntland-rejects-oil-deal-with-Shell-and-ExxonMobil/-/979184/2357968/-/f9fklwz/-/index.html.

[9] See http://www.bloomberg.com/news/2014-08-04/somalia-sees-oil-results-this-year-as-bp-exxon-wooed.html.

[10] See annex 6.4 for Ganjab's relations to arms embargo violations and Al-Shabaab, and annex 5.2 for his role in the recovery of Somali overseas assets.

accompanied by an attachment signed by Ganjab as CEO and Adbullahi Haider as Director General of Turksom Somalia Inc (see annex 5.2.b for a copy of the attachment).

15. On 6 September 2013, Ganjab received an e-mail from the address hersiburanea@yahoo.com entitled "*Oil Depo and security project Financing*" stating (unofficial translation from the Somali language as follows):

> *Haji Musa,*
>
> *After greetings. You must have been busy yesterday. I have given your phone number to a guy in the UK called Ahmed who is the representative of a security company based in America (FLORIDA). Please contact them and negotiate as they are ready.*
>
> *Mr. Mike Deegan is back from Dubai. Him and Mr Deylaf has not met ... please let me know when you are ready for a conference call.*
>
> *Thank you*
> *Abdulhamid*

16. Independently, the Monitoring Group has been informed that Ganjab has been in discussions with Mohamed Deylaaf, a businessman previously named by the Group in the context of diversion of food aid, including to Al-Shabaab (S/2010/91).[11] Deylaaf is known to have interests in the downstream fuel sector.[12] The Monitoring Group has also obtained documentation that Turksom Security Company was officially registered as an approved private security company with the Ministry of Interior in 2013 (see annex 5.2.c), although it is not clear to what extent this company operated and how it obtained its weaponry.

Fisheries protection and management

17. On 25 July 2013, the FGS signed a letter of appointment nominating a company called Somalia FishGuard Limited as the sole agent and representative of the FGS with exclusive rights to undertake the patrol, protection, management and development of fisheries in Somalia's waters, including in the Exclusive Economic Zone. The contract was signed by the then Minister of Natural Resources, Abdirizak Omar Mohamed. The company is obliged to provide and operate vessels for fisheries protection, including through the establishment and training of a Somalia Fisheries Protection Force, as well as prepare the provision of fishing regulations and the management of the licensing and regulatory infrastructure of the Government pertaining to fisheries. In return, the FGS would be obliged to provide the company access to state infrastructure and ports and "permission to carry light and medium sized weapons and ammunition consistent with the FPF requirements to exercise its obligations under this contract subject to UN Security Council resolutions". The company would also receive military style uniforms and be conferred with the necessary authority to detain and arrest vessels fishing illegally in Somali waters. The Monitoring Group has been informed that FishGuard would

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[11] Information received by three independent Somali businessmen in Mogadishu familiar with Ganjab's businesses, interviewed in December 2013.

[12] Somali company CEO and UN contractor who has provided services to Deylaaf, February 2014, and a Somali source with knowledge of Deylaaf's business affairs, May 2014.

retain 51 percent of all revenues[13] derived from licensing fees, although the figures have been deliberately blacked out in the copy of the contract obtained by the Monitoring Group (see annex 5.2.d for a copy of the FishGuard letter of appointment).

18. On 27 July 2013, two days after the contract was signed, Ganjab received an e-mail from Abdi Amalo (who the Monitoring Group has investigated for conspiracy to divert overseas assets in strictly confidential annex 5.2, which was entitled "*Info*". The text of the e-mail simply reads as follows:

> *Xaaji Musa,*
> *Let's talk brother*
> *http://companycheck.co.uk/company/04958710/FISHGUARD-MARINE-LIMITED*

19. In April 2014, representatives of Somalia Fishguard Limited accompanied by President Mohamud and Minister of Fisheries and Marine Resources, Mohamed Olow Barow, were in Brussels to attend a fisheries meeting with Europêche and Federpesca at the Headquarters of the European Commission. The representatives included Chairman David Walker, Director John Church, William Oswald and Christopher Brooke.[14]

20. The Monitoring Group has been informed that Somalia Fishguard Limited has been in discussions with Saladin Security Ltd, a UK private security company, whose representatives were introduced to President Mohamud in Mogadishu by Abdullahi Haider (the business partner of Ganjab in Turksom, and a presidential advisor on oil and gas) in mid May or June 2013.[15] The company has operations in Mogadishu and is the private security contractor for Kilimanjaro Capital, a private equity firm which has farmed into an oil block awarded by the Transitional Federal Government (TFG) in 2008 to a private company, and which partly falls in Al-Shabaab territory.[16]

National Theatre

21. The Monitoring Group has obtained a copy of a draft contract between the Ministry of Public Works and Reconstruction, Marine and Transport, Ports and Energy and Sinohydro Corporation Ltd for the reconstruction of the National Theatre in Mogadishu for a sum of USD 31 million. This contract was transmitted by Musa Ganjab to Jeremy Schulman of the U.S. law firm of Shulman Rogers on 23 November 2013 (see annex 5.2 for investigation into the diversion of overseas assets by Ganjab and Shulman Rogers). It is not clear whether any financial transactions related to this contract have taken place, as no major rehabilitation works on the National Theatre have taken place in 2013 and 2014.

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[13] Information obtained from a fisheries advisor to the FGS on 5 May 2014.

[14] Correspondence obtained by the Monitoring Group with a list prepared by Ahmed Mohamed Iman, Director General of the Ministry of Fisheries and Marine Resources, dated 1 April 2014. Christopher Brooke is the brother of Alan Henry Brooke, the 3rd Viscount Brookeborough, a member of the United Kingdom House of Lords.

[15] Information obtained from advisor to the FGS, 6 May 2014, and from private security source, 10 June 2014.

[16] See http://www.saladin-security.com/the-companies.php and http://www.marketwired.com/press-release/kilimanjaro-signs-somalia-security-memorandum-gxg-kcap-1909408.htm.

UNSOA

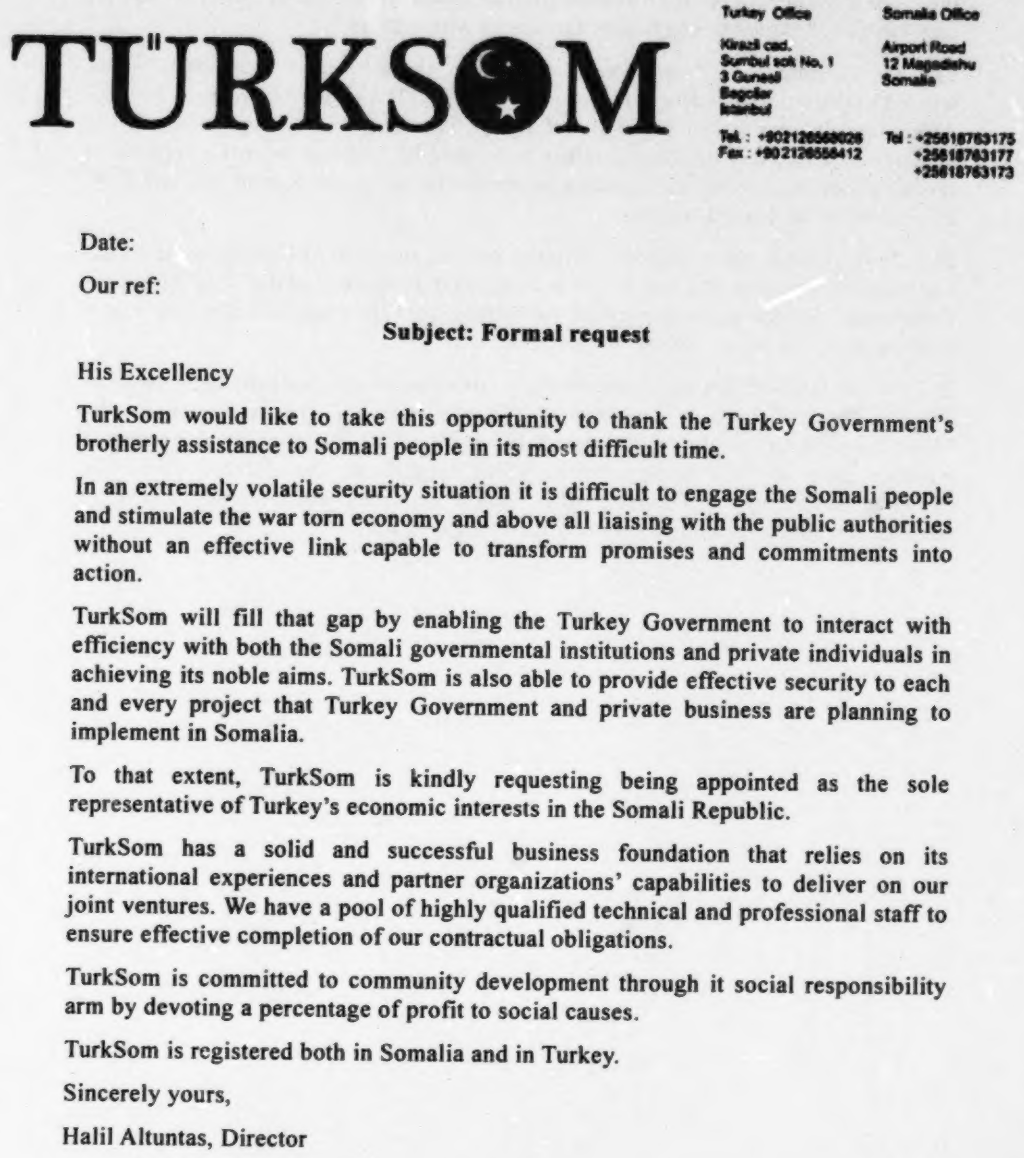
22. The Monitoring Group has obtained evidence that service contracts issued by the United Nations Support Office for African Union Mission in Somalia (UNSOA) may have been issued to companies associated with Ganjab.

23. On 26 June 2013, Nurta Sheikh Mohamud, the sister of President Mohamud wrote to Ganjab, forwarding a memo issued by UNSOA to the Ministry of Foreign Affairs and International Cooperation dated 20 June 2013. The memo informed the ministry of a two day business seminar to be held by UNSOA with the purpose of raising awareness among the Somalia business community on how to win contracts as vendors to the United Nations.

24. In the e-mail, the President's sister draws the attention to Ganjab to the memo and informs him that she has set up a conglomerate known as the Trust Group of Companies, for the express purpose of bidding for UN contracts. She requests a meeting with Ganjab to discuss the matter further.

25. While UNSOA has not registered any contracts to any company referred to as Trust or Trust Group, as a matter of due diligence and risk management, the Monitoring Group would recommend a full audit of all its contracts to determine whether there are any companies in which Ganjab has an interest, given the evidence pertaining to Ganjab's other illicit activities documented in strictly confidential annex 5.2 and strictly confidential annex 6.4.

Annex 5.1.a: Turksom correspondence



TURKSOM

Turkey Office
Kirazli cad.
Sumbul sok No. 1
3 Guneeli
Bagcilar
Istanbul

Tel. : +902126868026
Fax : +902126556412

Somalia Office
Airport Road
12 Magadishu
Somalia

Tel : +25618763175
+25618763177
+25618763173

Date:

Our ref:

Subject: Formal request

His Excellency

TurkSom would like to take this opportunity to thank the Turkey Government's brotherly assistance to Somali people in its most difficult time.

In an extremely volatile security situation it is difficult to engage the Somali people and stimulate the war torn economy and above all liaising with the public authorities without an effective link capable to transform promises and commitments into action.

TurkSom will fill that gap by enabling the Turkey Government to interact with efficiency with both the Somali governmental institutions and private individuals in achieving its noble aims. TurkSom is also able to provide effective security to each and every project that Turkey Government and private business are planning to implement in Somalia.

To that extent, TurkSom is kindly requesting being appointed as the sole representative of Turkey's economic interests in the Somali Republic.

TurkSom has a solid and successful business foundation that relies on its international experiences and partner organizations' capabilities to deliver on our joint ventures. We have a pool of highly qualified technical and professional staff to ensure effective completion of our contractual obligations.

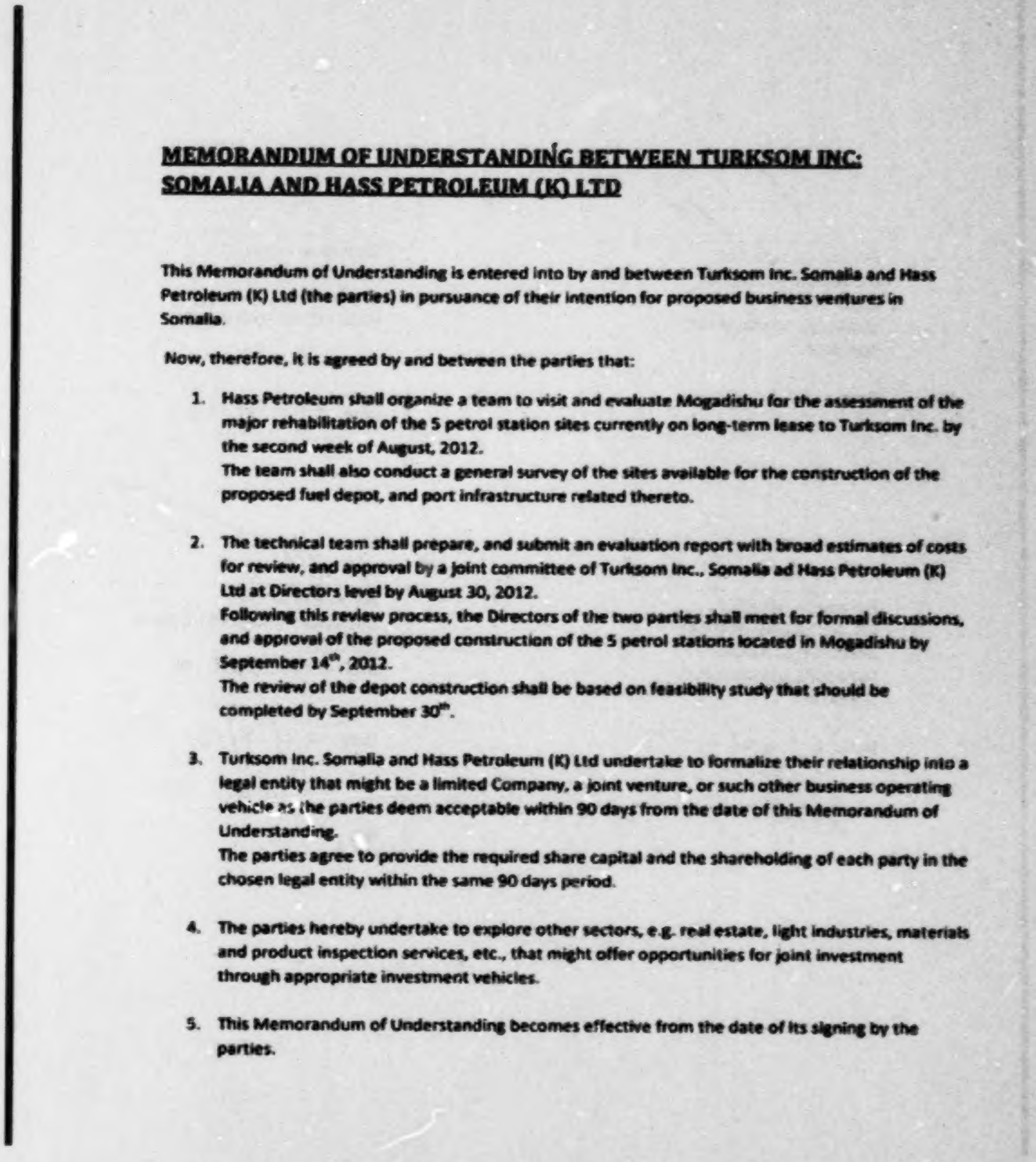
TurkSom is committed to community development through it social responsibility arm by devoting a percentage of profit to social causes.

TurkSom is registered both in Somalia and in Turkey.

Sincerely yours,

Halil Altuntas, Director

Annex 5.1.b: Turksom and Hass Petroleum Memorandum of Understanding



MEMORANDUM OF UNDERSTANDING BETWEEN TURKSOM INC: SOMALIA AND HASS PETROLEUM (K) LTD

This Memorandum of Understanding is entered into by and between Turksom Inc. Somalia and Hass Petroleum (K) Ltd (the parties) in pursuance of their intention for proposed business ventures in Somalia.

Now, therefore, it is agreed by and between the parties that:

1. Hass Petroleum shall organize a team to visit and evaluate Mogadishu for the assessment of the major rehabilitation of the 5 petrol station sites currently on long-term lease to Turksom Inc. by the second week of August, 2012.
   The team shall also conduct a general survey of the sites available for the construction of the proposed fuel depot, and port infrastructure related thereto.

2. The technical team shall prepare, and submit an evaluation report with broad estimates of costs for review, and approval by a joint committee of Turksom Inc., Somalia ad Hass Petroleum (K) Ltd at Directors level by August 30, 2012.
   Following this review process, the Directors of the two parties shall meet for formal discussions, and approval of the proposed construction of the 5 petrol stations located in Mogadishu by September 14th, 2012.
   The review of the depot construction shall be based on feasibility study that should be completed by September 30th.

3. Turksom Inc. Somalia and Hass Petroleum (K) Ltd undertake to formalize their relationship into a legal entity that might be a limited Company, a joint venture, or such other business operating vehicle as the parties deem acceptable within 90 days from the date of this Memorandum of Understanding.
   The parties agree to provide the required share capital and the shareholding of each party in the chosen legal entity within the same 90 days period.

4. The parties hereby undertake to explore other sectors, e.g. real estate, light industries, materials and product inspection services, etc., that might offer opportunities for joint investment through appropriate investment vehicles.

5. This Memorandum of Understanding becomes effective from the date of its signing by the parties.

For and on behalf of,
MUSA HAJI MOHAMED
C.E.O
TURKSOM SOMALIA INC.
SOMALIA

Date: 02 /08/12

For and on behalf of,
ABDINASIR ALI HASSAN
CHAIRMAN
HASS PETROLEUM (K) LTD

Date: 02|08|12

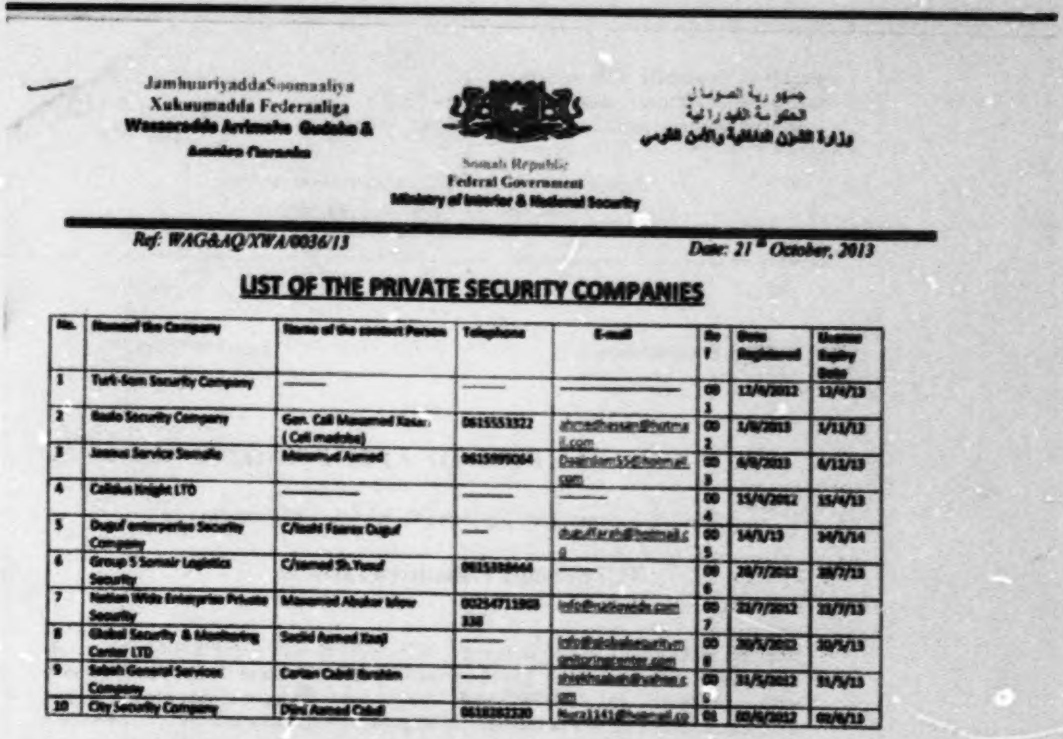
For and on behalf of,
DR. ABDULLAHI HAIDER
DIRECTOR GENERAL
TURKSOM SOMALIA INC.
SOMALIA

Date: 02 - 08 - 2012

For and on behalf of,
ABDULKADIR AHMED HUSSEIN
DIRECTOR
HASS PETROLEUM (K) LTD

Date: 02/08/12

Annex 5.1.c: Turksom Security Company registered by the Federal Government of Somalia Ministry of Interior



JamhuuriyaddaSoomaaliya
Xukuumadda Federaaliga
Wasaaradda Arrimaha Gudaha &
Amniga Qaranka

جمهورية الصومال
الحكومة الفيدرالية
وزارة الشؤون الداخلية والأمن القومي

Somali Republic
Federal Government
Ministry of Interior & National Security

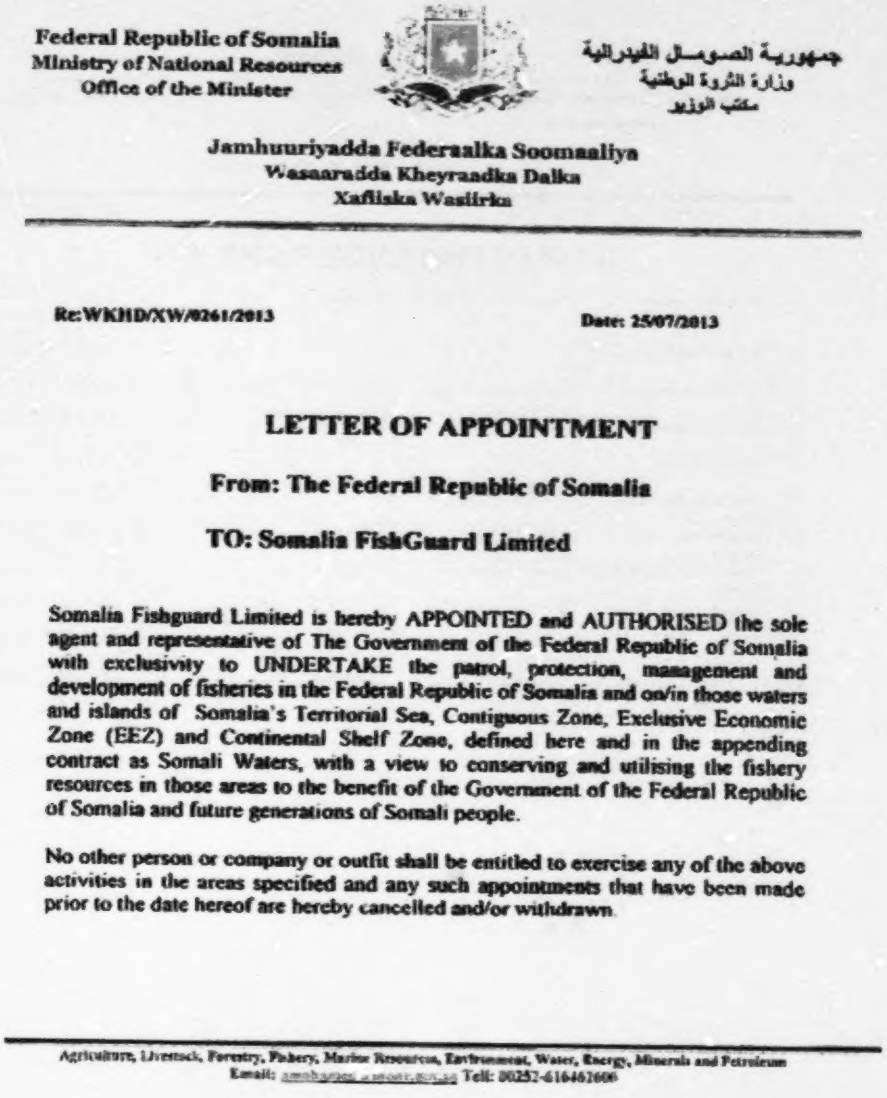
Ref: WAG&AQ/XWA/0036/13

Date: 21st October, 2013

LIST OF THE PRIVATE SECURITY COMPANIES

No.	Nameof the Company	Name of the contact Person	Telephone	E-mail	Ref	Date Registered	License Expiry Date
1	Turk-Som Security Company	——	——	——	001	12/4/2012	12/4/13
2	Radio Security Company	Gen. Cali Maxamed Xasan (Cali madobe)	0615553322	ahmedhassan@hotmail.com	002	1/8/2013	1/11/13
3	Jeenus Service Somalia	Maxamud Axmed	0615999064	[illegible]	003	6/8/2013	6/11/13
4	Calibus Knight LTD	——	——	——	004	15/4/2012	15/4/13
5	Duguf enterperise Security Company	C/laahi Faarax Duguf	——	dugufarah@hotmail.co	005	14/1/13	14/1/14
6	Group 5 Somalr Logistics Security	C/samad Sh.Yusuf	0615338444	——	006	28/7/2012	28/7/13
7	Nation Wide Enterprise Private Security	Maxamed Abukar Isow	00254711969338	info@nationwide.com	007	22/7/2012	22/7/13
8	Global Security & Monitoring Center LTD	Sacid Axmed Xaaji	——	info@globalsecuritymonitoringcenter.com	008	20/5/2012	20/5/13
9	Sabah General Services Company	Cartan Cabdi Ibrahim	——	sheikhsabah@yahoo.com	009	31/5/2012	31/5/13
10	City Security Company	Dini Axmed Cabdi	0618282220	Nura1141@hotmail.co	01	02/6/2012	02/6/13

Annex 5.1.d: FishGuard Letter of Appointment



Federal Republic of Somalia
Ministry of National Resources
Office of the Minister

جمهورية الصومال الفيدرالية
وزارة الثروة الوطنية
مكتب الوزير

Jamhuuriyadda Federaalka Soomaaliya
Wasaaradda Kheyraadka Dalka
Xafiiska Wasiirka

Re:WKHD/XW/0261/2013 **Date: 25/07/2013**

LETTER OF APPOINTMENT

From: The Federal Republic of Somalia

TO: Somalia FishGuard Limited

Somalia Fishguard Limited is hereby APPOINTED and AUTHORISED the sole agent and representative of The Government of the Federal Republic of Somalia with exclusivity to UNDERTAKE the patrol, protection, management and development of fisheries in the Federal Republic of Somalia and on/in those waters and islands of Somalia's Territorial Sea, Contiguous Zone, Exclusive Economic Zone (EEZ) and Continental Shelf Zone, defined here and in the appending contract as Somali Waters, with a view to conserving and utilising the fishery resources in those areas to the benefit of the Government of the Federal Republic of Somalia and future generations of Somali people.

No other person or company or outfit shall be entitled to exercise any of the above activities in the areas specified and any such appointments that have been made prior to the date hereof are hereby cancelled and/or withdrawn.

Agriculture, Livestock, Forestry, Fishery, Marine Resources, Environment, Water, Energy, Minerals and Petroleum
Email: [illegible] Tell: 00252-616461606

Somalia Fishguard Limited's specific powers assigned by the Federal Government of Somalia are contained within the corresponding Service Contract which together with this letter of Appointment constitutes the terms and conditions of Somalia Fishguard's engagement for the Federal Government of Somalia and together they are intended to be legally binding.

Dated ………

Signed (Federal Republic of Somalia)

……………………………………………………………………**Official**

Seal

Witnessed

……………………………………………………………………

Signed (Somalia Fishguard Limited)

……………………………………………………………………

Witnessed

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Annex 5.2

Contracting for the recovery of public overseas assets of the Federal Republic of Somalia (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 6

Violations of the arms embargo

Annex 6.1: Federal Government of Somalia compliance with modifications of the arms embargo

Arms embargo modifications

1. The Security Council modified the arms embargo on three occasions during the course of 2013 and 2014, particularly as it applied to the Federal Government of Somalia (FGS).[1] In its resolution 2093 (2013), the Security Council decided that for a period of twelve months until 6 March 2014 the arms embargo "shall not apply to deliveries of weapons or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia",[2] except in relation to deliveries of those items listed in an annex to the resolution.[3] As such, the Council effectively exempted the FGS from seeking the Committee's approval for arm deliveries destined for its security forces. In its resolution 2111 (2014), the Security Council clarified that the items listed in the same annex to both resolutions 2093 (2013) and of resolution 2111 (2014) remained subject to advance approval by the Committee on a case-by-case basis.[4] The partial suspension of the arms embargo for the FGS was renewed in resolution 2142 (2014), adopted on 5 March 2014, for a further seven months.[5]

2. The FGS in turn incurred a corresponding set of obligations. Initially, the FGS assumed the primary responsibility to notify the Committee, for its information at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the Security Forces of the FGS. Such notifications had to include all relevant information, including where applicable, the type and quantity of weapons, ammunitions, military equipment and materiel to be delivered, the proposed date and the specific place of delivery in Somalia.[6]

3. In addition, the FGS was obliged to report to the Security Council every six months on: (a) the structure of the Security Forces of the FGS; (b) the infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Security Forces of the FGS; and (c) the procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by the Security Forces of the FGS, and on training needs in this regard.[7]

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[1] Paragraphs 33 to 38 of resolution 2093 (2013), paragraphs 4 to 17 of resolution 2111 (2013) and resolution 2142 (2014) modified the arms embargo originally imposed on Somalia by paragraph 5 of resolution 733 (1992), and further elaborated in paragraphs 1 and 2 of resolution 1425 (2002).

[2] Paragraph 33 of resolution 2093 (2013).

[3] The items listed in the annex were: 1. Surface to air missiles, including Man-Portable Air-Defence Systems (MANPADS); 2. Guns, howitzers, and cannons with a calibre greater than 12.7 mm, and ammunition and components specially designed for these. (This does not include shoulder fired anti-tank rocket launchers such as RPGs or LAWs, rifle grenades, or grenade launchers.); 3. Mortars with a calibre greater than 82 mm; 4. Anti-tank guided weapons, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for these items; 5. Charges and devices intended for military use containing energetic materials; mines and related materiel; and 6. Weapon sights with a night vision capability.

[4] Paragraph 7 of resolution 2111 (2013).

[5] Paragraph 2 of resolution 2142 (2014).

[6] Paragraph 38 of resolution 2093 (2013), reaffirmed in paragraphs 14 to 17 of resolution 2111 (2013).

[7] Paragraph 39 of resolution 2093 (2013), reaffirmed in paragraph 9 of resolution 2111 (2013).

4. Notably, the Security Council decided that weapons or military equipment sold or supplied solely for the development of the Security Forces of the FGS may not be resold to, transferred to, or made available for use by, any individual or entity not in the service of the Security Forces of the FGS.[8]

5. Pursuant to paragraph 41 of resolution 2093 (2013), and prior to the 6 March 2014 deadline, the Group transmitted to the Committee a letter dated 6 February 2014 assessing the status of the exemption for the FGS and identifying options for further modification of the arms embargo (S/AC.29/2014/SEMG/OC.8).

6. Consequently, in resolution 2142 (2014), the Security Council increased the FGS reporting obligations. The Council underlined the imperative need for the FGS to improve compliance with its requirements under the partial suspension of the arms embargo, expressed serious concern that the requirements under the suspension of the arms embargo as set out in resolutions 2093 (2013) and 2111 (2013) had not been fully met, and stressed that any decision to continue or end the partial suspension of the arms embargo on the FGS would be taken in the light of the thoroughness of the FGS's implementation of its requirements as set out in this and other relevant Security Council resolutions.

7. As such, the FGS was required to provide more detailed advance notifications as well as two post-delivery notifications to the Committee.[9] In particular, advance notifications had to include: details of the manufacturer and supplier of the arms and ammunition, a description of the arms and ammunition including the type, calibre and quantity, proposed date and place of delivery, and all relevant information concerning the intended destination unit in the Somali National Security Forces, or the intended place of storage. Also, no later than 30 days after the delivery of arms or ammunition, the FGS was required to submit to the Committee a written confirmation of the completion of the delivery, including the serial numbers for the arms and ammunition delivered, shipping information, bill of lading, cargo manifests or packing lists, and the specific place of storage. Furthermore, within five days of the distribution of imported arms or ammunition, the FGS was required to inform the Committee in writing of the destination unit in the Somali National Security Forces or the place of storage.

8. In addition, the FGS was obliged to report to the Security Council in greater detail regarding: (a) the structure, strength and composition (including the status of allied militia) of the Security Forces of the FGS, including the names of current commanders, the locations of the headquarters, and the status of militias; (b) the infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Security Forces of the FGS, including details of all available armouries and storerooms, their location, storage capacity, staffing capacity, arms and ammunition management systems and status of use; and (c) the procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by the Security Forces of the FGS, and on training needs in this regard, including procedures for receipt, verification and recording of weapons imports through any Federal Government controlled port of entry, procedures for the transport of weapons and ammunition with the Security Forces of

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[8] Paragraph 34 of resolution 2093 (2013), reaffirmed in paragraph 8 of resolution 2111 (2013).

[9] Paragraphs 5 to 7 of resolution 2142 (2014).

the FGS, and the current systems of logging and auditing in the Security Forces of the FGS.[10]

9. Considering the enhanced requirements placed on the FGS in resolution 2142 (2014), the Security Council requested the Secretary-General to provide options and recommendations within 30 days on United Nations and other technical assistance to the FGS in complying with its notification and reporting obligations, and in improving its capacities in the safe and transparent storage, distribution and management of weapons and military equipment, including in monitoring and verification.[11]

10. To this effect, the Secretary-General deployed an assessment team, including the Monitoring Group to Mogadishu and Nairobi from 12 to 18 March 2014. In addition to its assessment of ground conditions, the team identified options and recommendations for assistance to the FGS. On 3 April 2014, the Secretary-General addressed a letter detailing the outcome of the assessment to the President of the Security Council (S/2014/243). On 22 May 2014, a Security Council Presidential Statement (S/PRST/2014/9) responded to the assistance needs of the FGS in order for it to show tangible progress in complying with the terms of the partial suspension of the arms embargo.

FGS reports to the Security Council

11. FGS reporting requirements to the Security Council were designed in part to improve transparency in the stockpiling, accounting and distribution of weapons and ammunition of the Somali National Army (SNA), in a context where the SNA and its allies were expected to escalate their military campaign against Al-Shabaab. Such transparency would further allow Member States to target assistance to Somalia's Security Forces in a more systematic and informed manner. Determining the composition of the Security Forces was also critical in identifying who was entitled to receive arms and other assistance pursuant to the FGS exemption.

12. Pursuant to resolutions 2093 (2013) and 2111 (2013), the FGS submitted three reports to the Security Council on 4 April 2013, 30 October 2013 and 7 February 2014.

13. In its 2 April 2013 report, as indicated in the previous report of the Monitoring Group (S/2013/413, annex 6.2, paragraphs 51 and 52), the FGS stated that the Ministry of Defence had appointed a team to assess Somalia's weapons armouries and noted that the construction of a main armoury, known as "Halane", within the security perimeter of Mogadishu International Airport, was under way. Information provided by the FGS on the structure, infrastructure and procedures of the Security Forces was rudimentary, notably in the form of a basic and aspirational organizational chart of the Somali Armed Forces command and map of its sector headquarters. No information was provided concerning the Somali Police Forces or the National Intelligence and Security Agency (NISA). Other annexes included cut-and-paste excerpts from arms and ammunition management manuals.[12]

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[10] Paragraph 9 of resolution 2142 (2014).

[11] Paragraph 10 of resolution 2142 (2014).

[12] Report forwarded by the Chair to the Committee on 5 April 2014 via note with reference number S/AC.29/2013/NOTE.34.

14. In its 30 October 2013 report, the FGS stated that the structure of its Security Forces had not changed since its first report to the Security Council. The FGS reported on the establishment of a National Security Council. In addition, it provided approximate numbers of soldiers deployed in two sectors, with no precise breakdown of the distribution of troops and or description of the infrastructure in place to support the storage and management of weapons and logistics.[13]

15. On 21 January 2014, during an Arms and Ammunition Management Workshop[14] held in Mogadishu, the Monitoring Group met with the National Security Adviser to the President of Somalia (NSA), Abdirahman Sheikh Issa, to provide feedback on FGS reporting to the Security Council to date. The Monitoring Group explained that the reporting provided by the FGS lacked sufficient detail in terms of numbers, specific units and locations of the different elements of the Security Forces, and did not address the issue of which militias were allied or integrated with the Security Forces and which were not. In addition, in the reporting there was an almost complete lack of information provided on existing storage infrastructure being used by the Security Forces and that the information provided on storage and distribution procedures did not reflect the reality of the systems actually in use by the SNA and other security forces. At the request of the NSA, on 31 January 2014, the Monitoring Group provided him with further written feedback in terms of reporting expectations prior to the next deadline for reporting to the Security Council (S/AC.29/2014/SEMG/OC.7).

16. Following the workshop, two international consultants hired by the United Nations Assistance Mission in Somalia (UNSOM) remained in Mogadishu to assist the FGS with its third report dated 6 February 2014.[15] This report provided much greater detail, including organizational charts detailing the structure and size of various forces. With regards to weapons and ammunition management, the FGS stated that the armoury at Halane had been completed, that the principal historical armouries at Villa Baidoa and Villa Somalia had already been closed and that five battalion-sized armouries were being established at Villa Gashandiga, Villa Somalia, Villa Baidoa, Jazeera One and Sector 12 HQ.[16] The report also mapped out operating procedures for weapons management and described the use of weapons registries and weapons cards.[17] However, no sample documents were attached to the report. The management system described appears still to be aspirational and was deemed insufficient according to reporting by the United Nations Institute for

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[13] Report forwarded by the Chair to the Committee on 30 October 2013 via note with reference number S/AC.29/2013/NOTE.109.

[14] In addition to the Monitoring Group, the 21 to 22 January 2014 Workshop was attended by senior security officials of the FGS, UNSOM, UNMAS, the European Union Training Mission (EUTM), Member States and regional arms experts, and included implementing partners involved in the construction and refurbishment of armouries for use by the FGS. The Workshop preceded a programme of visits to FGS armouries described in the Monitoring Group's letter to the Committee dated 6 February 2014 (S/AC.29/2014/SEMG/OC.8).

[15] Report forwarded by the Chair to the Committee on 7 February 2014 via note with reference number S/AC.29/2014/NOTE.17.

[16] Villa Gashandiga is historically a Ministry of Defence facility. Villa Somalia is the name given to the main civilian government complex in Mogadishu and seat of the Presidency. Villa Baidoa is historically the main SNA logistics base in Mogadishu. Jazeera One is a training camp.

[17] Registries are supposed to store details of the weapon type, serial number, name of the owner, owner's signature, butt number, date of entry and commander's signature. Cards are supposed to store the name of the holder of the weapon, description of the type, serial and butt number.

Disarmament Research (UNIDIR), which conducted an assessment of SNA weapons management that was endorsed by the FGS.[18] In addition, the procedures described in respect of safety management appear to be copied from guidelines of a generic manual but have not been put in place.

17. Pursuant to resolution 2142 (2014), on 13 June 2014, the FGS submitted its fourth report to the Security Council.[19] The report provided detailed organizational charts of the Security Forces and details concerning the state-allied militia Ahlu Sunna wal Jama'a (ASWJ). It also provided details of a number of new armouries built or in commission for the Security Forces[20] but did not detail the 66 state armouries that had been rehabilitated by November 2013 according to UNIDIR. The report also stated that there was no marking system in place to mark weapons at the point of import, and that weapons registration only existed at the armoury level, with the weapon card system not yet in effect.[21]

18. In addition, the 13 June 2014 report presented a baseline survey conducted with the assistance of UNSOM between 3 and 8 May 2014, which was commissioned to assess all weapons imported and still in storage, to inspect storerooms of the various Security Forces and their log books, and to assess the system of documentation used by the Security Forces to account for imported weapons. The survey team found that arms and ammunition in stock at the Halane armoury corresponded with the armoury's weapons and ammunition logbooks as well as the 48 distribution forms that the SNA issued since October 2013. The survey team also visited NISA where it viewed a storeroom and a handwritten ledger accounting for distribution of weapons to its agents in the field. Two Somali Police Force armouries completed by the United Nations Mine Action Service (UNMAS) were not in use at the time of the survey.[22]

19. While FGS reporting to the Security Council may still not be comprehensive and strictly fulfilling the scope of requirements in resolutions 2093 (2013), 2111 (2013) and 2142 (2014), it does reflect improvement over time, particularly as a result of support provided by UNSOM and its international consultants. While the FGS has produced paperwork accounting for every single weapon distributed and stored, the FGS cannot claim that this paper trail is proof that all weapons are secured given the leakage of weapons into the Mogadishu arms markets that the Monitoring Group has documented below. In addition, the Monitoring Group has

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[18] The UNIDIR report entitled *Weapons and Ammunition Management in the Federal Republic of Somalia* (23 April 2014) was submitted as part of the FGS report to the Security Council on 13 June 2014. On page 21 of the report, UNIDIR states that "Weapons registration has so far been restricted to the armoury level (primarily SPF). SNA authorities intend to implement registries of all weapons within its storage facilities. Issuing will reportedly be by a 'weapon card' system". This wording is also used on page 13 of the 13 June 2014 FGS report to the Security Council.

[19] Report forwarded by the Chair to the Committee on 13 June 2014 via note with reference number S/AC.29/2014/NOTE.64.

[20] On page 9 of the 13 June 2013 report, the FGS reported that two armouries had been built at the Ministry of Defence, two were in the process of being completed at Villa Baidoa, one was being completed at the Jazeera One training camp, and a final armoury was being completed at Villa Baidoa.

[21] Training with the assistance of UNMAS is now however under way.

[22] See page 3 of the *Somalia Arms and Ammunition Baseline Survey* annexed to the 13 June 2013 report of the FGS to the Security Council.

identified consistent anomalies and violations of notification procedures in respect of FGS arms imports.

FGS notifications to the Committee and arms diversion

Notifications pursuant to resolutions 2093 (2013) and 2111 (2013)

20. In respect of FGS notifications to the Committee of weapon deliveries pursuant to resolutions 2093 (2013) and 2111 (2013), the Monitoring Group has identified a number of serious anomalies and concerns regarding weapons deliveries from Uganda, Djibouti and Ethiopia to Mogadishu. Between July and October 2013, the FGS and these Member States intended to deliver four consignments of weapons and ammunition for use by the SNA. See annex 6.1.a for a table of quantities and types of weapons notified and delivered from these three countries.

21. The first notification from the NSA to the Committee dated 1 July 2013 concerned 1,000 AK-47 rifles provided by the Government of Uganda and to be delivered from Kampala to Mogadishu within ten days of the notification. Following a request by the Committee to clarify where these weapons were to be delivered, the Permanent Mission of the Federal Republic of Somalia to the United Nations wrote on 9 July 2013 informing the Committee that the weapons were intended for use between Brigades 1 and 6 of the SNA (see annex 6.1.b). However, following their arrival in Mogadishu in early July 2013, the weapons were moved to an African Union Mission in Somalia (AMISOM) storeroom, where 700 of the weapons were subsequently transferred into the custody of the Somali Police Force (see annex 6.1.c for additional documentation).[23]

22. The FGS report to the Security Council of 13 June 2014 noted that the principal Somali Police Force armoury in Mogadishu, which had recently been completed by UNMAS with capacity for 1,000 rifles, was only storing six rifles at the time of a 3 May 2014 inspection by an UNSOM team. The Criminal Investigation Division (CID) armoury, also completed by UNMAS in April 2014 with capacity for 2,000 rifles, was unused by the time the inspection took place.[24] The Somali Police Force has been unable to provide the Monitoring Group with a list of serial numbers of the 700 weapons it is supposed to have received, for verification against the list of serial numbers provided by the Uganda People's Defence Force (UPDF).[25]

23. On 29 July 2013, the Permanent Mission of the Somali Republic to the United Nations notified the Committee of the intention of the FGS to import 3,500 assault rifles,[26] 3 million rounds of 7.62 x 39 ammunition, 100 PKM machine guns,

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[23] Two AMISOM logistics officers confirmed to the Monitoring Group on 22 January 2014 that the weapons were first moved to an AMISOM storage site in Mogadishu and then released, with 700 weapons issued to the Somali Police Force and 300 to the SNA. The documentation appears to corroborate this version of events.

[24] See page 3 of the *Somalia Arms and Ammunition Baseline Survey* submitted by the FGS as part of its report of 13 June 2014, circulated by the Chair to the Committee via note with reference number S/AC.29/2014/NOTE.64.

[25] The Monitoring Group requested these serial numbers from the Somali Police Force on 11 July 2014 but had not received a response by 18 August 2014.

[26] The original notification document refers to Type 56-1 assault rifles. However a physical inspection of these rifles in the Halane storehouse in Mogadishu, and subsequent reverification with authorities in Ethiopia confirmed the rifles as being Type 56-2 rifles.

250,000 rounds of 7.62 x 54 ammunition and fifty 12.7 mm machine guns from Ethiopia. The delivery was earmarked for early August 2013, but when the first delivery plane crashed on 9 August 2013 in Mogadishu the overall consignment had to be broken into other consignments that arrived in September 2013.[27]

24. The Monitoring Group eventually confirmed with authorities in Ethiopia that the actual deliveries were considerably less than what was originally notified and match what the SNA claim was finally imported from Ethiopia (see the table in annex 6.1.a regarding all weapons imported from Uganda, Djibouti and Ethiopia). A baseline survey team from UNSOM also reviewed internal SNA documentation that accounted for the distribution of all weapons not present in the Halane weapons store to elements of the FGS Security Forces.[28]

25. However, despite the SNA accounting for every single weapon imported, the Monitoring Group obtained concrete evidence of Ethiopian-supplied weapons, notably brand new Type 56-2 assault rifles, freely available in the illicit arms markets in Mogadishu between February and April 2014, alongside other SNA stock that had also been leaked. One of the new Type 56-2 assault rifles, never previously seen in Somalia, has also been documented in the possession of Al-Shabaab (see annex 6.2).

26. On 12 August 2013, the FGS notified the Committee of weapons and ammunition to be delivered from Djibouti, the details of which are also noted in the table in annex 6.1.a. The FGS has claimed that all of these weapons were delivered directly to the SNA in Sector 4, Hiran region.[29] However, the SNA commander of Brigade 10, in Sector 4 in Hiran, reported that the Brigade 10 had not received any arms, ammunition or explosives from the SNA in Mogadishu and that the only arms and ammunition the Brigade had received in 2013 and 2014 were provided locally by Djibouti AMISOM forces.[30]

27. The Monitoring Group also understands that a second consignment of weapons was sourced from Djibouti, based on a packing list dated 3 October 2013. According to SNA documentation reviewed by the UNSOM baseline survey team, the SNA received less than what was stated on the 3 October 2013 packing list (see table in

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[27] The deliveries took place on 11 and 13 September 2013, in aircraft that were chartered by UNSOA and which flew from Dire Dawa, Ethiopia, to Mogadishu. Cargo documents for these flights seen by the Monitoring Group indicate the delivery as an AMISOM to AMISOM delivery, although the consignee was the SNA according to UNSOA.

[28] The SNA Director of Logistics (G4) manages the receipt and distribution of weapons. All imported weapons are manually entered into a logbook. When the SNA distributes items from the Halane armoury, it enters the date, recipient, quantity and stock balance into the armoury logbook, and then issues a distribution form that must be signed by the SNA Chief of Defense Forces. As indicated above, the survey team found that arms and ammunition in stock at Halane armoury corresponded with the armoury's weapons and ammunition logbooks (the SNA has one logbook for weapons and one for ammunition) as well as with the 48 distribution forms that the SNA has issued since October 2013. Details are tabulated in the *Somalia Arms and Ammunition Baseline Survey* submitted by the FGS as part of its report of 13 June 2014, circulated by the Chair to the Committee via note with reference number S/AC.29/2014/NOTE.64.

[29] As reported by the FGS in its 13 June 2014 report to the Security Council, on page 18 of the attached *Somalia Arms and Ammunition Baseline Survey*.

[30] As noted in the UNSOM "Survey visit to Belet Weyne (Sector 4) to cross-reference data from the Federal Government of Somalia Arms and Ammunition Baseline Survey", 11 June 2014, p. 2.

annex 6.1.a for actual deliveries) and has generated paperwork accounting for the distribution of all items it claims it did receive.[31]

28. However, the Monitoring Group has obtained evidence of large-scale leakage of some of the 291,000 rounds of 7.62 x 39 mm ammunition delivered by Djibouti into the illicit arms markets in Mogadishu. On 23 January 2014, the Monitoring Group visited the Halane armoury, where it inspected this ammunition, which had been produced in Sudan and bore various combinations of 3-entry head stamps. Between October 2013 and April 2014, sources of the Monitoring Group documented thousands of rounds of identical ammunition with arms dealers at KM 4 and KM 5 in Mogadishu, and in one instance documented a box containing Sudanese-manufactured ammunition identical to those stored in the Halane armoury (see annex 6.3). Prior to 2013, this type of ammunition had not been seen in the Mogadishu arms markets.

29. In addition, the FGS received weapons, ammunition and uniforms from Yemen. On 26 September 2013, the Permanent Mission of the Republic of Yemen to the United Nations informed the Committee that it would be supplying 4,000 military uniforms to the FGS as well as 4,000 military uniforms, 200 personal pistols and ammunition to Puntland. However, following a letter dated 10 October 2013 from the Committee requesting the Yemeni authorities to provide further information on the type and quantity of weapons and ammunition to be supplied, and details of the proposed end users, the Yemeni Mission wrote again to the Committee on 12 December 2013. This letter stated that the Yemeni authorities had already provided 4,000 uniforms and 200 pistols with ammunition to the FGS, which had been transported by African Express Airways to Mogadishu, although no date for the flight was specified. The Yemeni Mission also stated that its authorities had already transported 4,000 uniforms, 200 pistols and 500 assault rifles with ammunition by Ilyushin aircraft to Garowe, Puntland, although no date was specified. The provision of 200 pistols and ammunition to the FGS and 500 assault rifles and ammunition to Puntland was not specified in the original advance notification of 26 September 2013, as required by Security Council resolutions.

30. The notifications for deliveries to Mogadishu and Garowe relate to visits to Yemen by Abdirahman Mohamud "Faroole", then President of Puntland, and Abdikarim Hussein Guled (*Habar Gedir/Saad*), then Minister of Interior and National Security of the FGS. In September 2013, both individuals visited Sana'a where they individually reached agreements with Yemeni authorities to procure weapons for their respective authorities.[32] The Monitoring Group has confirmed that in mid October 2013 an aircraft landed in Mogadishu where it offloaded the Yemeni pistols, ammunition, boxes of uniforms as well as rocket propelled grenades, which had not been referred to in any notification to the Committee. Delivery of the cargo was taken on the tarmac by the SNA chief of logistics Colonel

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[31] See *Somalia Arms and Ammunition Baseline Survey* submitted by the FGS as part of its report of 13 June 2014, circulated by the Chair to the Committee via note with reference number S/AC.29/2014/NOTE.64.

[32] Interview with FGS diplomat on 24 September 2013, and with former member of President Faroole's administration on 30 May 2014.

Abdullahi Moalim Nur (*Abgaal/Waesle*).[33] While the Monitoring Group has not been able to confirm more details in respect of the aircraft used and precise quantities of weapons offloaded in Mogadishu, it has identified the actors involved in deliveries to Puntland, which relate to considerably more weapons than were notified (see annex 6.5 regarding the Puntland case).

31. The Monitoring Group has noted in annex 6.2.e a number of weapons found in arms markets in Mogadishu, which arms dealers attest were provided by SNA officers who informed the dealers that the weapons had been sourced from Yemen.

Notifications pursuant to resolution 2142 (2014)

32. On 28 April 2014 in Mogadishu, during a meeting of the Weapons and Ammunition Management Technical Working Group, attended by the FGS, the Monitoring Group and international partners, General Dahir Adan Elmi, then chief of the Somali Armed Forces, confirmed that the logistics facility at Halane is the primary receiving point and clearinghouse for all imports of arms, ammunition and equipment. He further confirmed that he, along with the SNA department of logistics, were the only ones responsible for the entire supply chain of procurement, importation, management and distribution to other security services of all lethal and non-lethal assistance. However, Member States and international organizations providing assistance to the Somali security sector have been doing so directly with individual security services. In addition, the NSA, who is responsible for notifications to the Committee and for reporting to the Security Council, is not regularly apprised of deliveries of assistance to the Somali security forces, which has affected the timing and accuracy of notifications.

33. Following adoption of resolution 2142 (2014), in late April 2014, the Monitoring Group raised with the NSA three cases of the delivery to Somalia of non-lethal assistance that had not been notified to the Committee. Subsequently, the Committee received one notification and one partial notification after the fact of delivery.

34. First, in a letter dated 24 April 2014, the NSA notified the Committee of the assistance from the United Arab Emirates (UAE) to NISA, including uniforms and 10 Toyota Land Cruiser pick-ups, which had been delivered on 19 April 2014 (S/AC.29/2014/COMM.40).

35. Second, the Monitoring Group enquired with the NSA regarding a delivery from the UAE to the Ministry of Interior in November 2013 reportedly including 10 military vehicles, 2 fire engines, 2 ambulances, 4 armoured vehicles and 5,000 uniforms and received by then Minister of Interior and National Security of the FGS, Abdikarim Hussein Guled. The Committee did not receive a notification regarding this delivery.

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[33] Interview with military intelligence source in Mogadishu on 3 December 2013 who stated that the aircraft contained uniforms, but that at least three boxes of RPG-7 launchers containing nine launchers each were observed offloaded from the aircraft, as well as several pallets of ammunition. RPG-7 rounds were observed as concealed in the uniform boxes. This interview was corroborated by a Monitoring Group source with access to SNA logistics in Mogadishu in December 2013. A foreign military intelligence officer and an AMISOM officer confirmed the presence of Abdullahi Moalim Nur on the tarmac at delivery, December 2013.

36. Third, on 2 April 2014, the Government of Italy issued a press release regarding a package of assistance to the FGS, primarily to the Somali security sector. The Monitoring Group verified that within this package, 29 Toyota pickup vehicles were delivered to Somalia in two shipments by the beginning of April 2014 for the Somali security sector. The Monitoring Group informed the NSA that it was the Group's understanding that the vehicles had arrived in Somalia. Subsequently, in a letter dated 12 May 2014 (S/AC.29/2014/COMM.47), the NSA notified the Committee of only 19 of the vehicles for the Somali Police Forces, well after their delivery to Mogadishu and presentation to the FGS on 2 April 2014, and made no mention of the other 10 vehicles or the other elements of the assistance package to the Somali security sector announced in the press release. In a letter dated 7 June 2014 (S/AC.29/2014/COMM.50), the NSA finally notified the Committee of the remaining 10 vehicles intended for the Somali Police Forces.

37. Regarding lethal assistance, in a letter dated 27 April 2014 and received by the Committee on 5 May 2014 (S/AC.29/2014/COMM.42), the NSA notified the Committee that the UAE had presented to the Somali Embassy in Abu Dhabi, in the form of a donation, a number of arms and ammunition, including, amongst other items, 3510 AK-47 assault rifles, 1,100,000 rounds of AK-47 ammunition (7.62 x 39 mm), 510 pistols (9 mm calibre) and 130,000 rounds of ammunition for the 9 mm pistols. The Committee has received no further information regarding the delivery of these weapons intended for the SNA.

38. In addition, in a letter dated 23 June 2014 (S/AC.29/2014/COMM.56), the NSA notified the Committee regarding the purchase of a consignment of weapons from the Metals and Engineering Corporation of the Federal Republic of Ethiopia intended for the SNA. The consignment included 500 AK-47 rifles with 50,000 rounds of ammunition, 40 PKM machine guns with 50,000 rounds of ammunition, 40 DSHK anti-aircraft machine guns (12.7 mm calibre) with 20,000 rounds of ammunition, and 300 Tokarove pistols with 4,800 rounds of ammunition. The Committee has received no further information regarding the delivery of these weapons.

39. Furthermore, in a letter dated 5 June 2014 (S/AC.29/2014/COMM.49), the NSA notified the Committee regarding a donation from the Republic of Sudan, including training of 300 NISA personnel and the provision of 301 AK-47 assault rifles and 10 Toyota Land Cruiser pick-ups. According to the notification, the training of NISA personnel had already been completed by 2 June 2014 and the 301 AK-47 rifles had been delivered on 4 June 2014. While General Elmi had stated that all assistance to the Somali security sector passed through the SNA and the Halane logistics facility before distribution to the other security services, the Sudanese weapons were delivered directly to NISA without the knowledge of international partners and did not pass through Halane, where weapons registration training had begun. Post-notifications for this delivery as required by resolution 2142 (2014) are still pending.

40. Similarly, in a letter dated 30 June 2014 (S/AC.29/2014/COMM.60), the NSA again notified the Committee after the fact of another delivery from Sudan, including 100 Belgian pistols with 6,000 rounds of ammunition, 10 PKM machine guns with 7,000 rounds of ammunition, 6 DSHK anti-aircraft machine guns (12.7 mm calibre) with 3,060 rounds of ammunition, as well as 10,800 rounds of ammunition for AK-47 assault rifles. Again, the delivery had already taken place on

27 June 2014 and the weapons did not pass through Halane but were provided directly to NISA. Post-notifications for this delivery as required by resolution 2142 (2014) are still pending.

41. Since adoption of resolution 2093 (2013), the number of various types of arms that have been delivered or are expected to be delivered to the FGS pursuant to formal notifications to the Committee now exceeds 13,000, with some 5.5 million rounds of different types of ammunition. Given the size of the Security Forces as reported by the FGS to the Security Council on 13 June 2014,[34] these numbers of weapons exceed the needs of the current offensive against Al-Shabaab. They are also additional to weapons sourced locally from stocks already in the country and weapons that have entered Somalia in violation of the arms embargo.

42. Overall, given the anomalies and inaccuracies of notifications to the Committee, the diversion of notified weapons, the delivery of weapons exceeding what has been notified, partial notifications, non-notifications, or persistent advance notifications after the fact of delivery, particularly following adoption of resolution 2142 (2014), the FGS has not imported weapons into Somalia in full compliance with their obligations pursuant to the Security Council's modification of the arms embargo.

Assistance to the FGS

43. Pursuant to the recommendations of the Secretary-General (S/2014/243) and the Security Council Presidential Statement (S/PRST/2014/9) a variety of assistance has been forthcoming to the FGS. Some of this is reflected above. Assistance has been provided in the preparation of FGS reports to the Security Council through consultants hired by UNSOM, and in the preparation of notifications to the Committee by the United Nations Secretariat, and both with feedback from the Monitoring Group. In addition, UNSOM, UNMAS and UNDP have assisted in defining an institutional framework for weapons and ammunition management oversight. UNSOM and its international partners have also helped undertake a phased baseline survey in Mogadishu and the regions, as described above. Furthermore, with UNMAS support, the FGS has initiated a weapons and record keeping system, again as assessed above. Overall, a range of technical, human and administrative assistance has been provided to the FGS, in part to the Office of the NSA and in the construction of weapons storage facilities, mostly in Mogadishu.

44. Still, FGS capacity in arms and ammunition management remains minimal and far from compliant with international standards or best practices. Notably, the FGS has yet to establish a joint verification team with international experts that would coordinate with the Monitoring Group. During the 28 April 2014 Weapons and Ammunition Management Technical Working Group meeting, the issue was not discussed but is expected to be on the agenda for future meetings.

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[34] See annexes 3 to 10 of the report of the FGS to the Security Council, 13 June 2014.

Annex 6.1.a: Summary of arms and ammunition imported into Somalia from Uganda, Ethiopia and Djibouti in 2013[35]

Supplier	Item	Date of Notification	Quantity Notified	Quantity Received	Destination of Delivery
Uganda	Ak-47	01 July 2013	1,000	1,000	700 to Police, 300 to SNA
Ethiopia	AK Type 56-2	29 July 2013	3,500	2,755	SNA Halane Armoury
Ethiopia	AK ammunition	29 July 2013	3,000,000	1,944,500	SNA Halane Armoury
Ethiopia	PKM machine gun	29 July 2013	100	87	SNA Halane Armoury
Ethiopia	PKM ammunition	29 July 2013	250,000	150,320	SNA Halane Armoury
Ethiopia	DShK machine gun	29 July 2013	50	46	SNA Halane Armoury
Djibouti	RPG-7 rockets	12 August 2013	35	35	SNA Sector 4, Hiiran region
Djibouti	Hand grenade (offensive)	12 August 2013	40	40	SNA Sector 4, Hiiran region
Djibouti	Hand grenade (defensive)	12 August 2013	240	240	SNA Sector 4, Hiiran region
Djibouti	MK-19 grenades	12 August 2013	500	500	SNA Sector 4, Hiiran region
Djibouti	AKMS rifles	12 August 2013	560	560	SNA Sector 4, Hiiran region
Djibouti	AKMS magazines	12 August 2013	800	800	SNA Sector 4, Hiiran region

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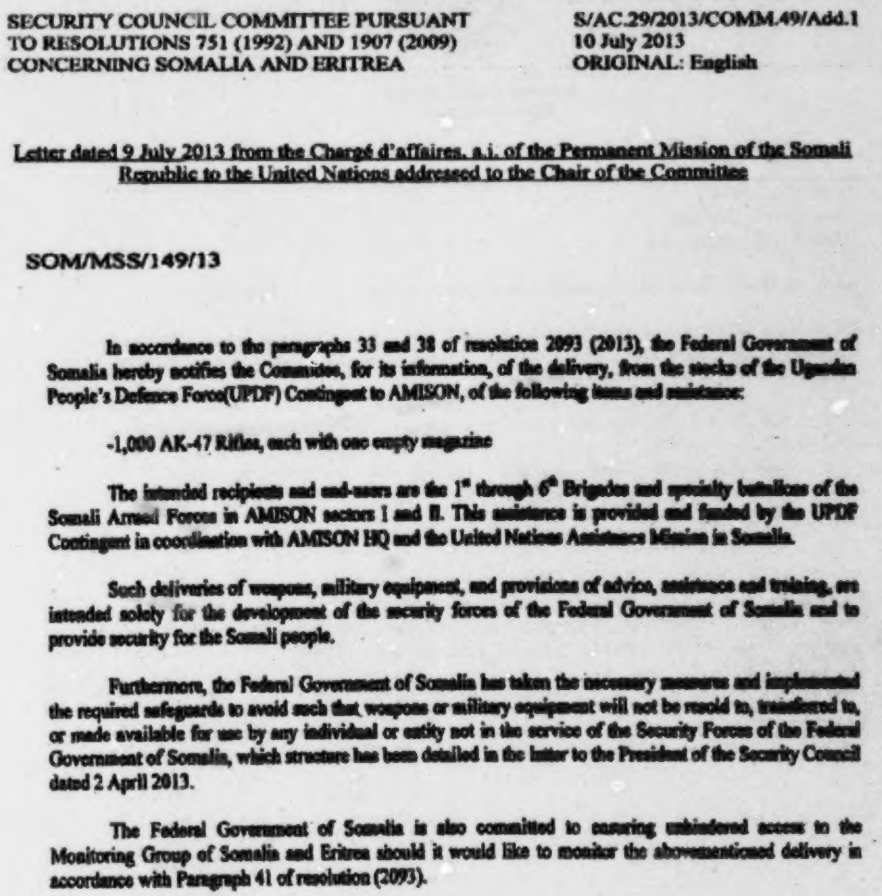
[35] As explained in annex 6.1, regarding weapons destined for "SNA Sector 4, Hiran region" listed in the table, the SNA commander of Brigade 10 in Sector 4 in Hiran has reported that the Brigade 10 had not received any arms, ammunition or explosives from the SNA in Mogadishu and that the only arms and ammunition the Brigade had received in 2013 and 2014 were provided locally by Djibouti AMISOM forces (as noted in the UNSOM "Survey visit to Belet Weyne (Sector 4) to cross-reference data from the Federal Government of Somalia Arms and Ammunition Baseline Survey", 11 June 2014).

Supplier	Item	Date of Notification	Quantity Notified	Quantity Received	Destination of Delivery
Djibouti	Brevettes de transport	12 August 2013	200	200	SNA Sector 4, Hiiran region
Djibouti	FM SK 40	12 August 2013	20	20	SNA Sector 4, Hiiran region
Djibouti	Mailons (links)	12 August 2013	20 boxes	20 boxes	SNA Sector 4, Hiiran region
Djibouti	PKM machine gun	12 August 2013	10	10	SNA Sector 4, Hiiran region
Djibouti	PKM ammunition	12 August 2013	10 packets	10 packets	SNA Sector 4, Hiiran region
Djibouti	7.62 mm short ammunition	12 August 2013	199,500	199,500	SNA Sector 4, Hiiran region
Djibouti	7.62 mm long ammunition	12 August 2013	79,200	79,200	SNA Sector 4, Hiiran region
Djibouti	Kalashnikovs 39.7.62	03 October 2013	1,000	690	SNA Halane Armoury
Djibouti	Grinoff	03 October 2013	40	-	-
Djibouti	DShK 12.7	03 October 2013	10	6	SNA Halane Armoury
Djibouti	RPG-7	03 October 2013	45	27	SNA Halane Armoury
Djibouti	7.62 x 39 ammunition	03 October 2013	400,500	291,000	SNA Halane Armoury
Djibouti	7.62 x 54R mm ammunition	03 October 2013	20,000	-	-
Djibouti	12.7 mm ammunition	03 October 2013	49,500	37,500	SNA Halane Armoury
Djibouti	RPG-7 ammunition	03 October 2013	474	372	SNA Halane Armoury

Annex 6.1.b: Letter from the Permanent Mission of the Somali Republic to the United Nations addressed to the Committee in respect of 1,000 AK-47 rifles sourced from Uganda



SECURITY COUNCIL COMMITTEE PURSUANT
TO RESOLUTIONS 751 (1992) AND 1907 (2009)
CONCERNING SOMALIA AND ERITREA

S/AC.29/2013/COMM.49/Add.1
10 July 2013
ORIGINAL: English

Letter dated 9 July 2013 from the Chargé d'affaires, a.i. of the Permanent Mission of the Somali Republic to the United Nations addressed to the Chair of the Committee

SOM/MSS/149/13

In accordance to the paragraphs 33 and 38 of resolution 2093 (2013), the Federal Government of Somalia hereby notifies the Committee, for its information, of the delivery, from the stocks of the Ugandan People's Defence Force(UPDF) Contingent to AMISON, of the following items and assistance:

-1,000 AK-47 Rifles, each with one empty magazine

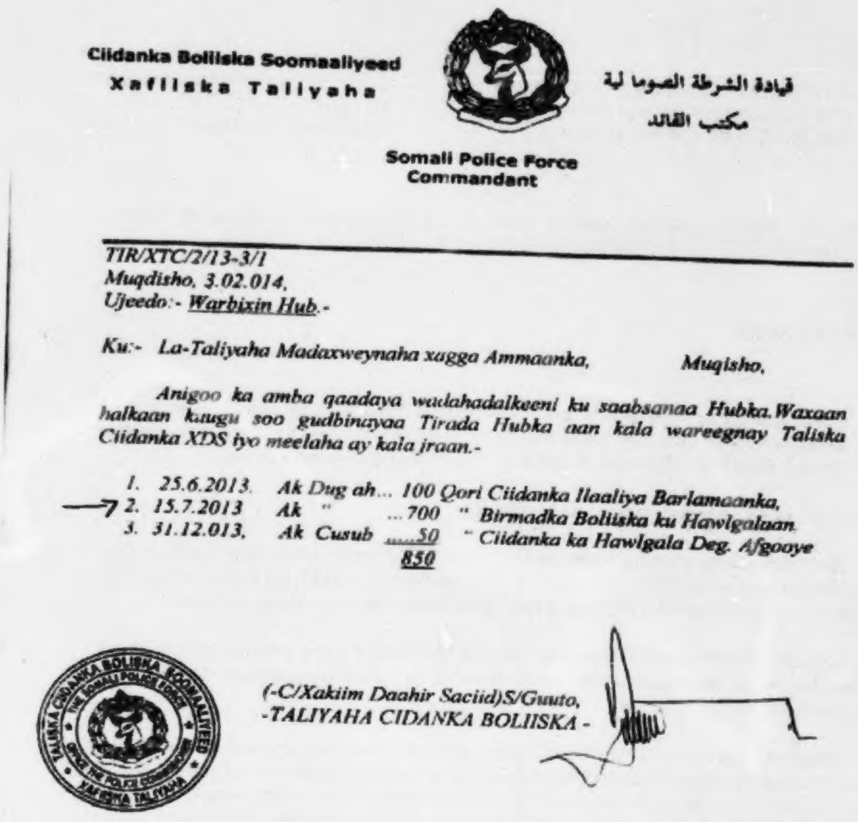
The intended recipients and end-users are the 1^{st} through 6^{th} Brigades and specialty battalions of the Somali Armed Forces in AMISON sectors I and II. This assistance is provided and funded by the UPDF Contingent in coordination with AMISON HQ and the United Nations Assistance Mission in Somalia.

Such deliveries of weapons, military equipment, and provisions of advice, assistance and training, are intended solely for the development of the security forces of the Federal Government of Somalia and to provide security for the Somali people.

Furthermore, the Federal Government of Somalia has taken the necessary measures and implemented the required safeguards to avoid such that weapons or military equipment will not be resold to, transferred to, or made available for use by any individual or entity not in the service of the Security Forces of the Federal Government of Somalia, which structure has been detailed in the letter to the President of the Security Council dated 2 April 2013.

The Federal Government of Somalia is also committed to ensuring unhindered access to the Monitoring Group of Somalia and Eritrea should it would like to monitor the abovementioned delivery in accordance with Paragraph 41 of resolution (2093).

Annex 6.1.c: Letter from the Somali Police Force confirming receipt of 700 rifles[36]



Ciidanka Booliska Soomaaliyeed
Xafiiska Taliyaha

قيادة الشرطة الصومالية
مكتب القائد

Somali Police Force
Commandant

TIR/XTC/2/13-3/1
Muqdisho, 3.02.014,
Ujeedo:- Warbixin Hub.-

Ku:- La-Taliyaha Madaxweynaha xagga Ammaanka, Muqisho,

Anigoo ka amba qaadaya wadahadalkeeni ku saabsanaa Hubka. Waxaan halkaan kuugu soo gudbinayaa Tirada Hubka aan kala wareegnay Taliska Ciidanka XDS iyo meelaha ay kala jiraan.-

1.	25.6.2013.	Ak Dug ah...	100 Qori	Ciidanka Ilaaliya Barlamaanka,
→ 2.	15.7.2013	Ak "	...700 "	Birmadka Booliska ku Hawlgalaan.
3.	31.12.013,	Ak Cusub	....50 "	Ciidanka ka Hawlgala Deg. Afgooye
			850	

(-C/Xakiim Daahir Saciid)S/Guuto,
-TALIYAHA CIDANKA BOLIISKA -

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[36] The 700 rifles were also confirmed as having been distributed to the Police by the UNSOM-assisted baseline survey team.

Annex 6.2: Leakage of Somali National Army rifles into arms markets in Mogadishu

45. The Monitoring Group has investigated the management of (Somali National Army) SNA stockpiles given the importance the Security Council has given to weapons and ammunition management by the Federal Government of Somalia (FGS). In particular, the Group has attempted to monitor the management of newly imported weapons that were shipped to Mogadishu by Member States for deployment to units of the Security Forces principally engaged in combat against Al-Shabaab.

46. On 29 July 2013, the FGS notified the Committee of its intention to import 3,500 Type 56-1 assault rifles,[37] 3,000,000 rounds of 7.62 x 39 mm ammunition, 100 PKM machine guns, 250,000 rounds of 7.62 x 54 mm ammunition, and fifty 12.7 mm machine guns from Ethiopia. However, after an Ethiopian supply plane crashed on arrival in Mogadishu on 9 August 2013, deliveries of the materials were delayed and rescheduled on two flights on 11 September 2013 and 13 September 2013, courtesy of the United Nations Support Office for the African Union Mission in Somalia (UNSOA) (see cargo manifests in annex 6.2.a).[38]

47. According to documentation provided by the Ethiopian authorities, only 2,755 of the assault rifles of the 3,500 notified were delivered (see annex 6.2.b), which matches with what was recorded in SNA log books. The 2,755 rifles form part of a total stock of 4,445 rifles supplied to the SNA since July 2013, roughly half of which the SNA claimed has been distributed to specific units according to SNA documentation. (See annex 6.2.c for a summary[39] of SNA log books which purport to account for the distribution of all assault rifles that were notified to the Committee and delivered to Mogadishu between July 2013 and September 2013). When the Monitoring Group visited the SNA's "Halane" store on 23 January 2014, it observed boxes of Ethiopian-supplied Type 56-2 rifles, which the chief logistician of the SNA identified as part of the consignment of 2,755 rifles that had mistakenly been referred to as Type 56-1 rifles in the original notification. The rifles were brand new and stacked within the boxes in plastic packaging. Photographs of the rifles at Halane are provided in annex 6.2.d, including samples of rifles displaying the two main factory markings and sequences of serial numbers.

48. In SNA documentation, the 2,755 rifles may appear to be all accounted for either in Halane or as part of distribution to units of the SNA and Security Forces. However, the Monitoring Group has obtained photographic evidence of several brand new Type 56-2 rifles observed in two Mogadishu arms markets between February and April 2014, which match the factory markings and sequence of serial numbers on Type 56-2 rifles observed in the Halane weapons store. The Monitoring Group received a list of serial numbers for 2,500 of the 2,755 rifles supplied by the Ethiopian Government and also was able to match exactly the serial numbers of

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[37] The notification and subsequent shipping documentation referred to Type 56-1 rifles, though actually Type 56-2 rifles were finally delivered, as explained further in this annex.

[38] The manifests refer to the deliveries as between AMISOM and AMISOM, although the weapons were delivered directly to the SNA and stored in the main SNA warehouse "Halane" located in the secure perimeter surrounding Mogadishu International Airport.

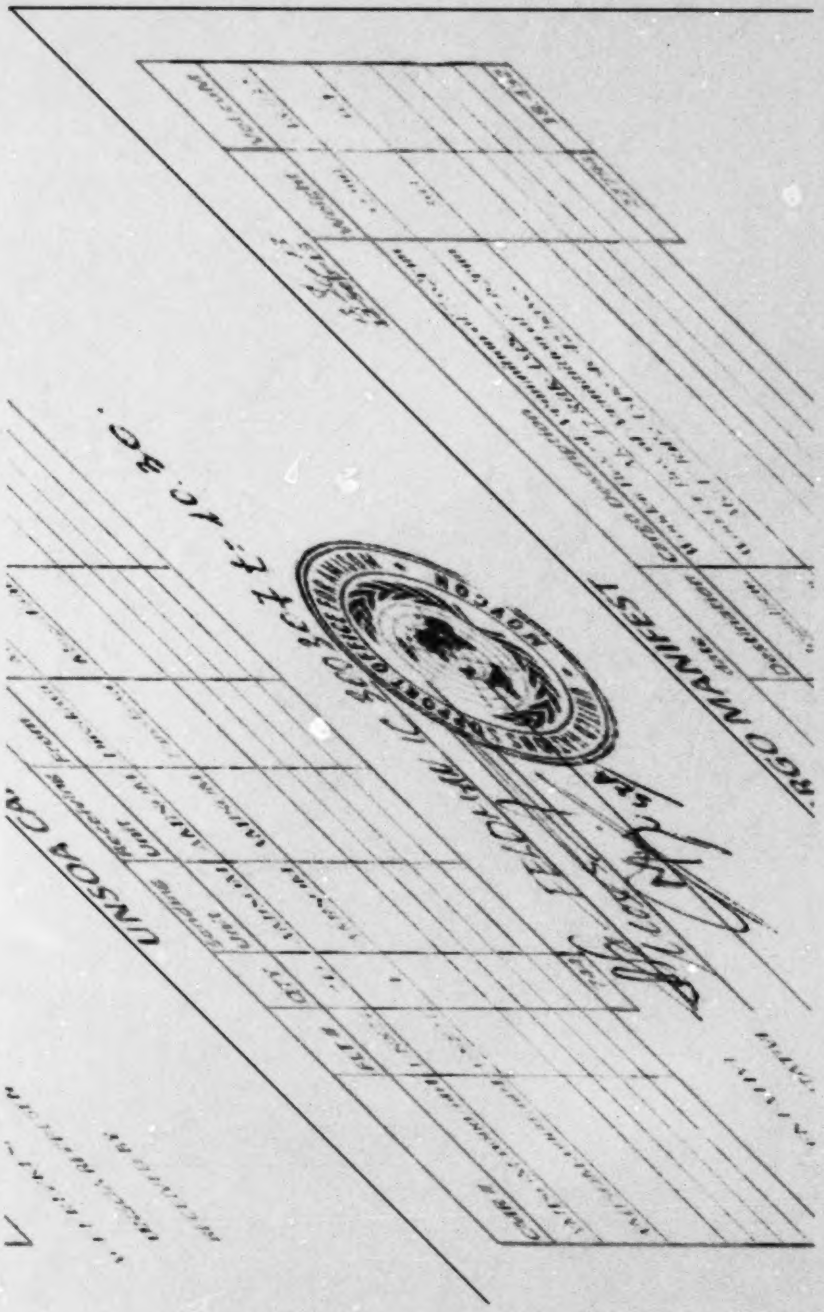
[39] According to the Federal Government of Somalia Arms and Ammunition Baseline Survey submitted as part of the FGS reporting to the Security Council on 13 June 2014.

some rifles in the market with those on this partial list, thereby confirming the stock of Type 56-2 in the market to be undeniably sourced from SNA stockpiles. In addition, arms dealers selling these weapons stated that the Type 56-2 weapons had come onto the market from SNA stockpiles, and that this type of rifle had never been seen in the markets prior to their delivery in Mogadishu in September 2013. Arms dealers also stated that Al-Shabaab agents were procuring weapons in at least one of the markets. The Monitoring Group has viewed an Al-Shabaab propaganda video, which shows an Al-Shabaab fighter cleaning a brand new Type 56-2 rifle (see annex 6.2.e for evidence).

49. Given SNA documentation for the distribution of all rifles to known units of the SNA, the Monitoring Group can only conclude that the weapons were sold illegally by SNA officers taking advantage of poor accountability at the unit level, or that these weapons have been leaked at a higher level and the SNA's supporting documentation has been doctored or manufactured as cover for missing weapons. Notably, the Monitoring Group has consistently received testimony that relates to high-level involvement in direct transfers of arms to the markets and to Al-Shabaab, which is detailed in strictly confidential annex 6.4.

50. In addition to the cases above that relate to the Type 56-2 rifles, the Monitoring Group has documented other weapons stock in the Mogadishu markets, notably assault rifles that have had their serial numbers rubbed off by a steel file. Arms dealers in the markets have stated that such weapons came from SNA stockpiles and were ultimately sourced from Yemen. This is the first time that the Group has documented serial numbers rubbed off from rifles found in the arms markets. The tampering of serial numbers on such SNA stock indicates either efforts to cover up the delivery of weapons to the SNA which have been made without notification to the Committee, or leakage of weapons at a high level, since lower level officers or soldiers selling their weapons opportunistically would be less concerned about visibility of the serial number. Photographic and other evidence of this phenomenon is also documented in annex 6.2.e.

Annex 6.2.a: Manifests of UNSOA deliveries of weapons and ammunition from Ethiopia



UNSOA CA

RGO MANIFEST

Destination

Date

Cargo Description

Weight

Volume

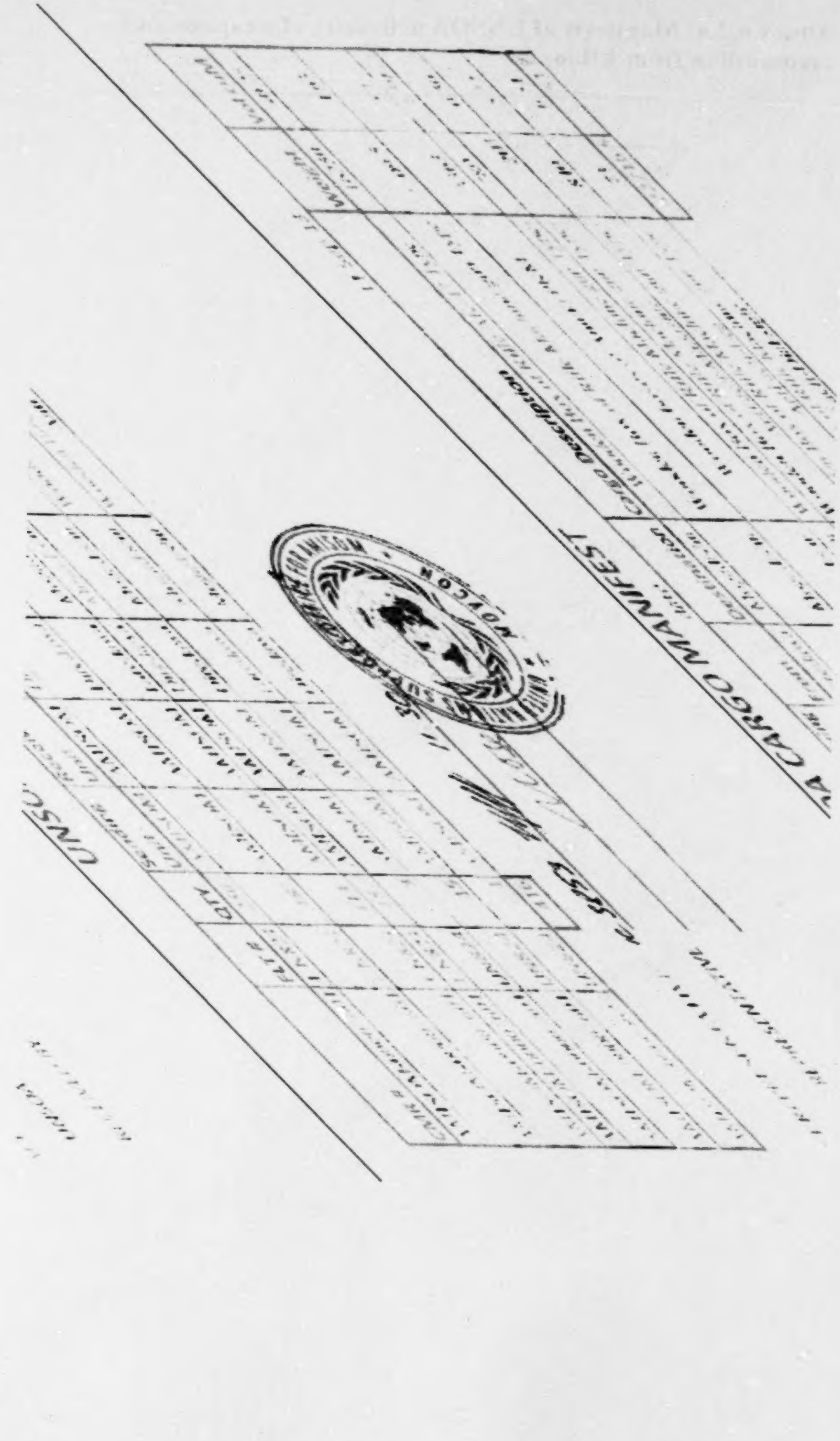
Receiving Unit

Unit Supplier

QTY

PLT #

Code #



A CARGO MANIFEST

Destination

Cargo Description

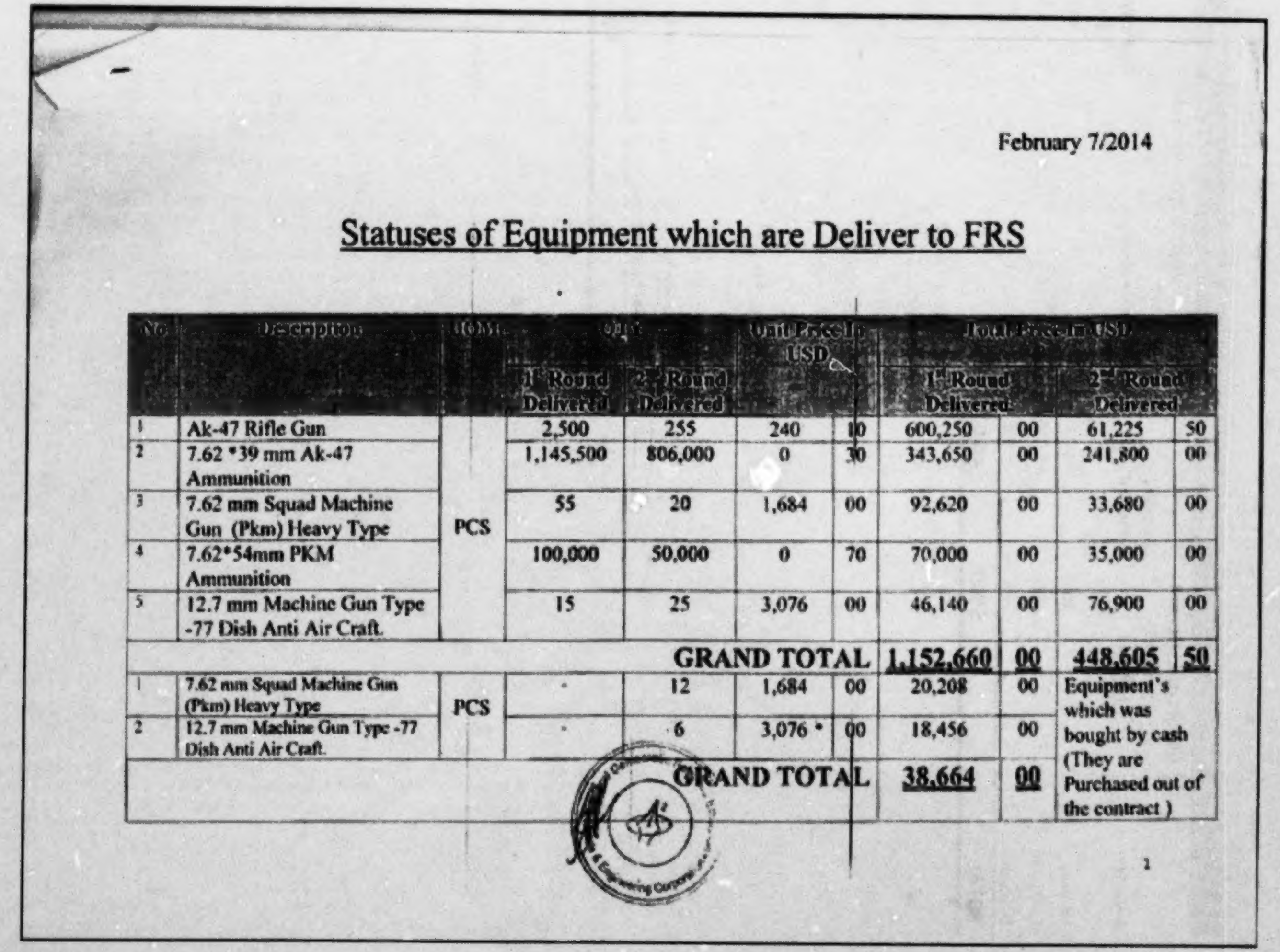
Weight

QTY

UNSC

Annex 6.2.b: Delivery note provided by Ethiopian authorities

The rifles are recorded as "AK-47 Rifle Guns" and were delivered in two batches.



February 7/2014

Statuses of Equipment which are Deliver to FRS

No	Description	UOM	Qty		Unit Price In USD		Total Price in USD			
			1st Round Delivered	2nd Round Delivered			1st Round Delivered		2nd Round Delivered	
1	Ak-47 Rifle Gun	PCS	2,500	255	240	10	600,250	00	61,225	50
2	7.62 *39 mm Ak-47 Ammunition		1,145,500	806,000	0	30	343,650	00	241,800	00
3	7.62 mm Squad Machine Gun (Pkm) Heavy Type		55	20	1,684	00	92,620	00	33,680	00
4	7.62*54mm PKM Ammunition		100,000	50,000	0	70	70,000	00	35,000	00
5	12.7 mm Machine Gun Type -77 Dish Anti Air Craft.		15	25	3,076	00	46,140	00	76,900	00
	GRAND TOTAL						1,152,660	00	448,605	50
1	7.62 mm Squad Machine Gun (Pkm) Heavy Type	PCS	-	12	1,684	00	20,208	00	Equipment's which was bought by cash (They are Purchased out of the contract)	
2	12.7 mm Machine Gun Type -77 Dish Anti Air Craft.		-	6	3,076	00	18,456	00		
	GRAND TOTAL						38,664	00		

1

Annex 6.2.c: Summary of SNA log books which purport to account for the distribution of all assault rifles notified to the Committee and received between July 2013 and September 2013

AK-47 or variant

Importation Record

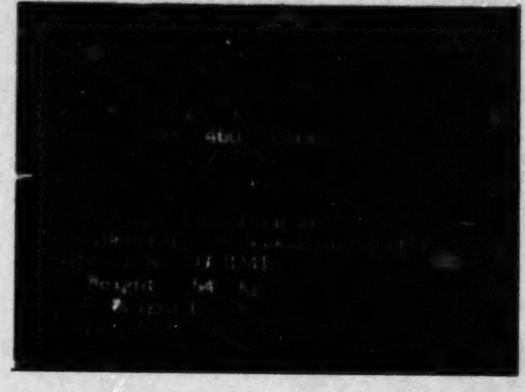
Supplier	**Quantity Notified**	**Quantity Received**
Uganda	1000	1000
Ethiopia	3,500	2,755
Djibouti	1,000	690
TOTAL	**5500**	**4445**

Distribution Record

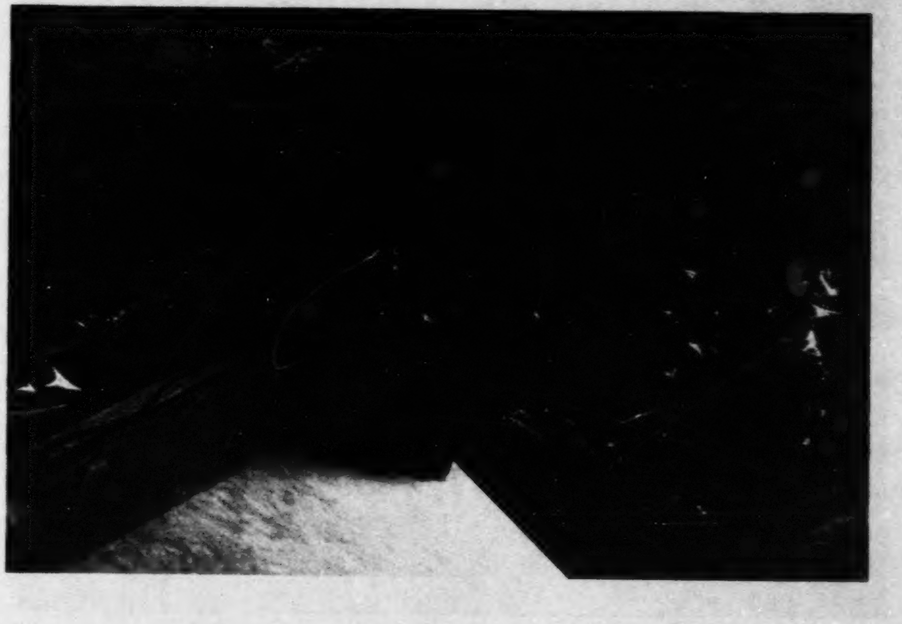
Delivery destination	**Quantity**
SPF	750
NISA	300
Speaker of Parl.	18
MOI	20
MOD	25
SNA Sector 1 HQ	805
SNA HQ Ciil Tire	25
SNA DANAB	210
SNA HQ Unit 21	235
SNA Mil. Police	20
SNA Personell Dept.	4
SNA Engineer Corps	2
Coast Guard	5
Central Bank	2
Total Delivered	**2421**
Undelivered at Halane	**2,024**
Total	**4445**

Annex 6.2.d: Photographs of Type 56-2 assault rifles observed at Halane storehouse on 23 January 2014

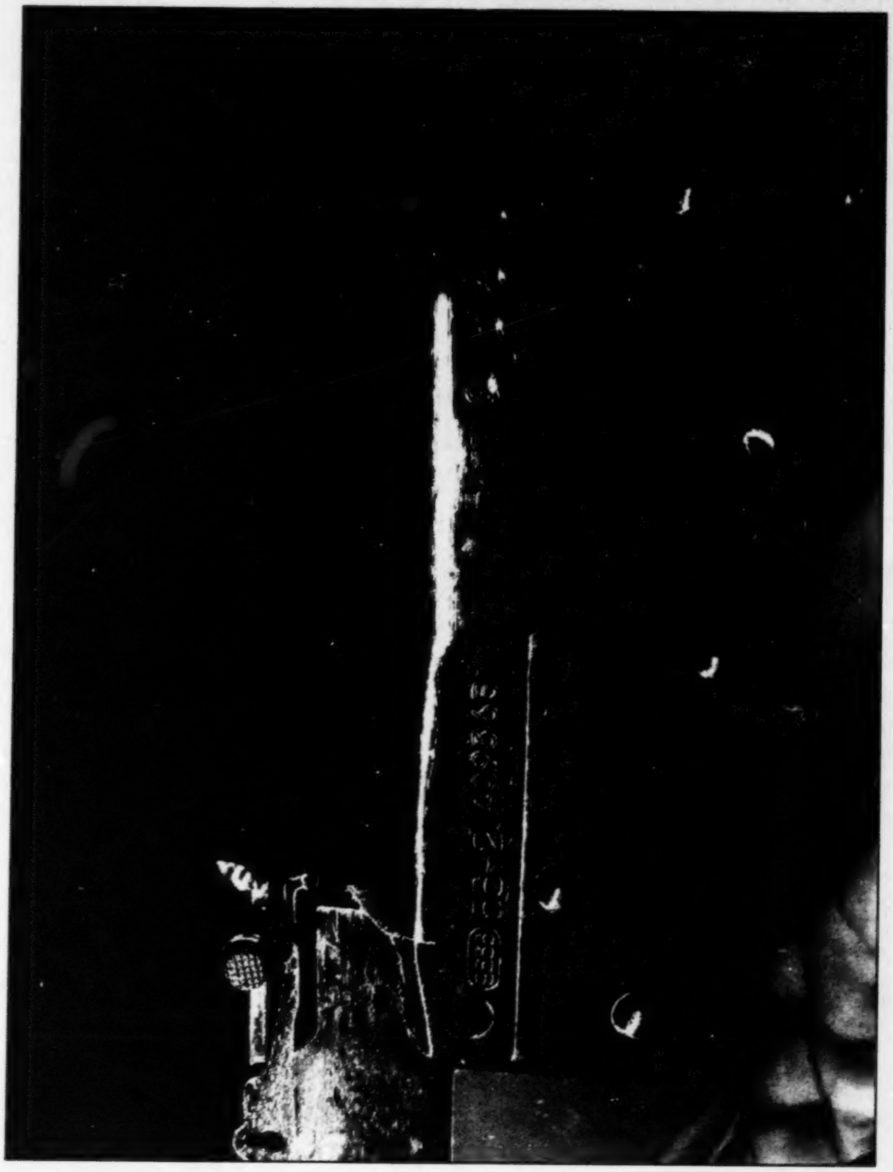
A sample of boxes of Ethiopian-supplied Type 56-2 rifles observed stacked at Halane warehouse



Type 56-2 rifles in plastic packaging within one of the boxes delivered at Halane



A sample of a rifle showing factory marking 9336, type (56-2), and serial number sequence beginning with "40"



Another sample of a rifle showing factory marking 386, type (56-2), and serial number with sequence beginning with "60"

Annex 6.2.e: SNA Type 56-2 assault rifles documented in the illicit arms markets in Mogadishu

Diversion of Type 56-2 rifles

Case 1: SNA-issued Type 56-2 rifles found in arms market at KM5, Mogadishu, 17 February 2014 and 20 April 2014

51. On 17 February 2014, a source of the Monitoring Group entered an illegal arms market at KM5, Mogadishu, with a camera and took the photographs in Figures 1 and 2. The market is close to the Safari Hotel, and also close to the houses of a number of SNA officers. Al-Shabaab procurement agents frequent the market.[40] As is evident in the photograph in Figure 1, the weapon is brand new and displays the factory marking number (9336) and serial number (in this case beginning with "40"), which were displayed on some of the Type 56-2 rifles observed at the Halane warehouse on 23 January 2014. Arms dealers at the market stated that at least 250 of these rifles had been brought to the market, and that SNA officers told them that the SNA had acquired such assault rifles from Ethiopia.[41]

52. On 20 April 2014, the source went back again to the same market, where another similar brand new Type 56-2 assault rifle was photographed on sale. In this case, the serial number 405443 directly matches an entry on the document provided by the Ethiopian authorities, which lists 2,500 serial numbers for the 2,755 Type 56-2 weapons supplied (Figures 3 and figure 4). Arms dealers again confirmed that the weapon had been sourced from SNA stockpiles.

53. A separate source of the Monitoring Group also visited this market in February 2014 and confirmed that arms dealers were selling SNA weapons such as these for between USD 1,500 to USD 1,600 per weapon.[42]

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[40] Information provided by two independent sources who visited the KM5 arms market in February 2014. Arms dealers at the market also identified to the sources a number of Al-Shabaab agents.

[41] Testimonies from arms dealers in the KM5 market provided to Monitoring Group source.

[42] Interview on 3 March 2014.

Figure 1 (below): Photograph taken at KM5 arms market in Mogadishu on 17 February 2014 of an Ethiopian-supplied Type 56-2 assault rifle displaying factory marking 9336 and serial number with sequence beginning "40", corresponding to those observed in Halane storehouse

Figure 2 (below): A picture of the same rifle displaying the signature foldable butt of the Type 56-2

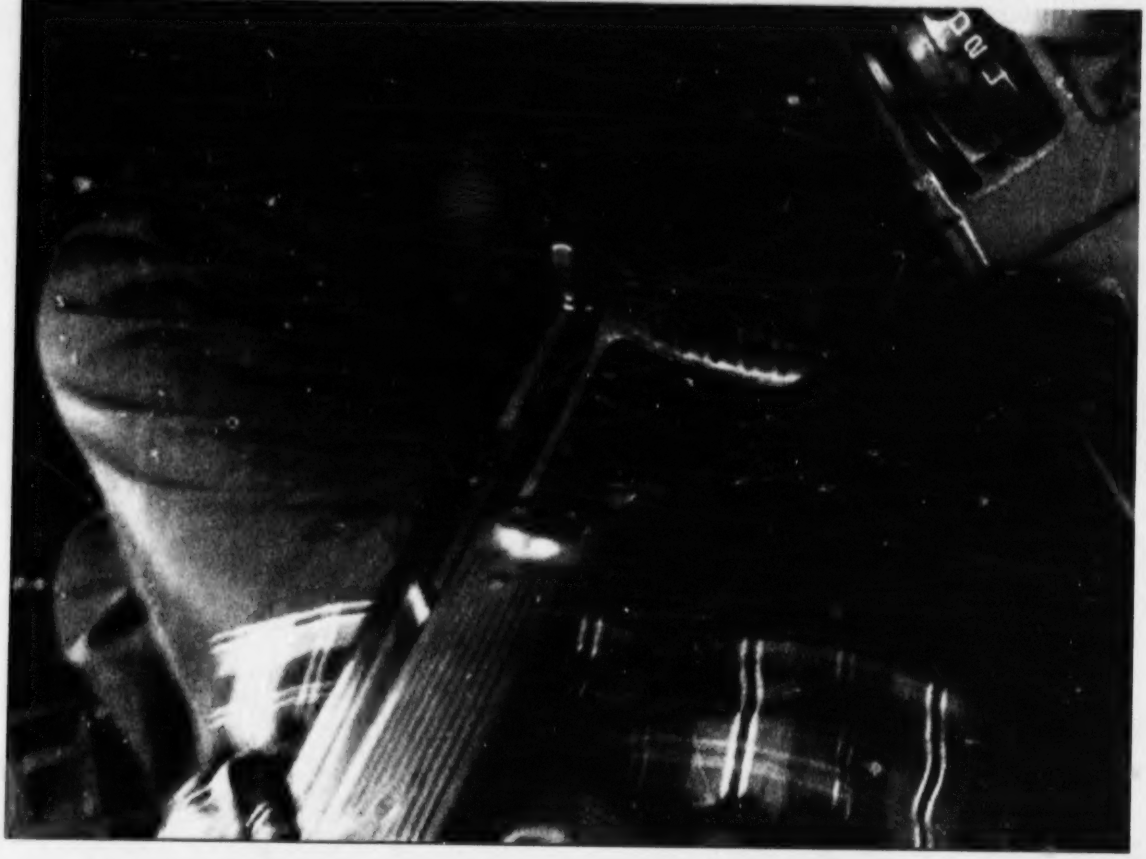


Figure 3 (below): A Type 56-2 rifle photographed at KM5 market in Mogadishu on 20 April 2014

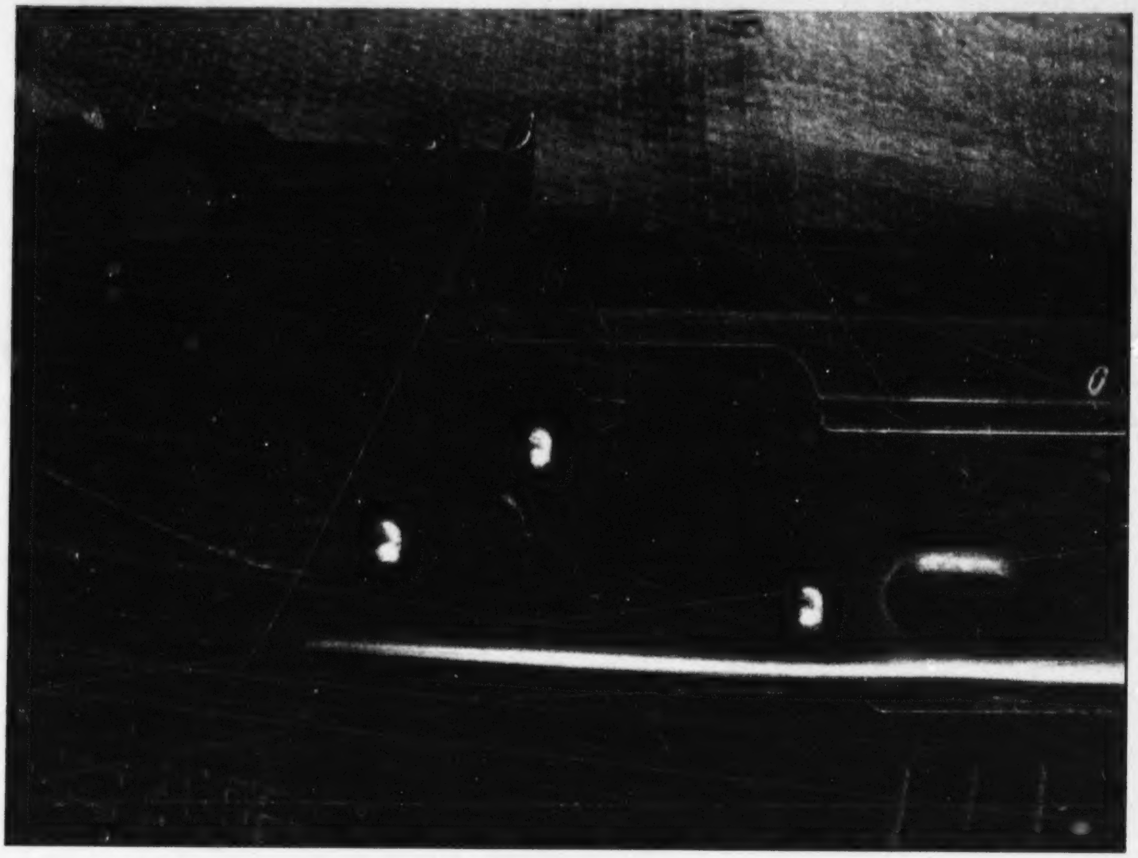
Figure 4 (below): A close up of the same Type 56-2 bearing the factory marking 9336 and serial number 405443, corresponding to a number included on the document provided by the Ethiopian authorities

Case 2: SNA-issued Type 56-2 rifles found in arms market at KM4, Mogadishu, 16 March 2013

54. On 16 March 2014, a source of the Monitoring Group entered an illegal arms market near KM4, one of the main road junctions in Mogadishu. The source documented four Ethiopian Type 56-2 assault rifles that were on sale. The four can be seen clearly together in the photograph in Figure 5. A close up photograph on one of the rifles reveals factory marking 386 and serial number 6014658 (Figure 6), a direct match with an entry on the document provided by the Ethiopian authorities, which lists 2,500 serial numbers for the 2,755 Type 56-2 weapons supplied. The arms dealer who was responsible for selling these weapons informed the Monitoring Group's source that the weapons had been sourced from SNA stockpiles.

Figure 5 (below): Four SNA-issued Type 56-2 rifles photographed at KM4 arms market on 16 March 2014

Figure 6 (below): One of the four weapons, displaying factory marking 386 and serial number 6014658, corresponding to a number included on the document provided by the Ethiopian authorities



Case 3: Use of Type 56-2 rifles by Al-Shabaab

55. Given the presence of Al-Shabaab agents in the KM5 arms market, it is worth noting an Al-Shabaab fighter cleaning a brand new Type 56-2 rifle appearing in an Al-Shabaab propaganda video circulated in 2014 (Figure 7).[43] While it is not possible to observe the factory marking or serial number on this particular rifle, nevertheless Al-Shabaab have never been photographed using this type of weapon prior to its import from Ethiopia in 2013.

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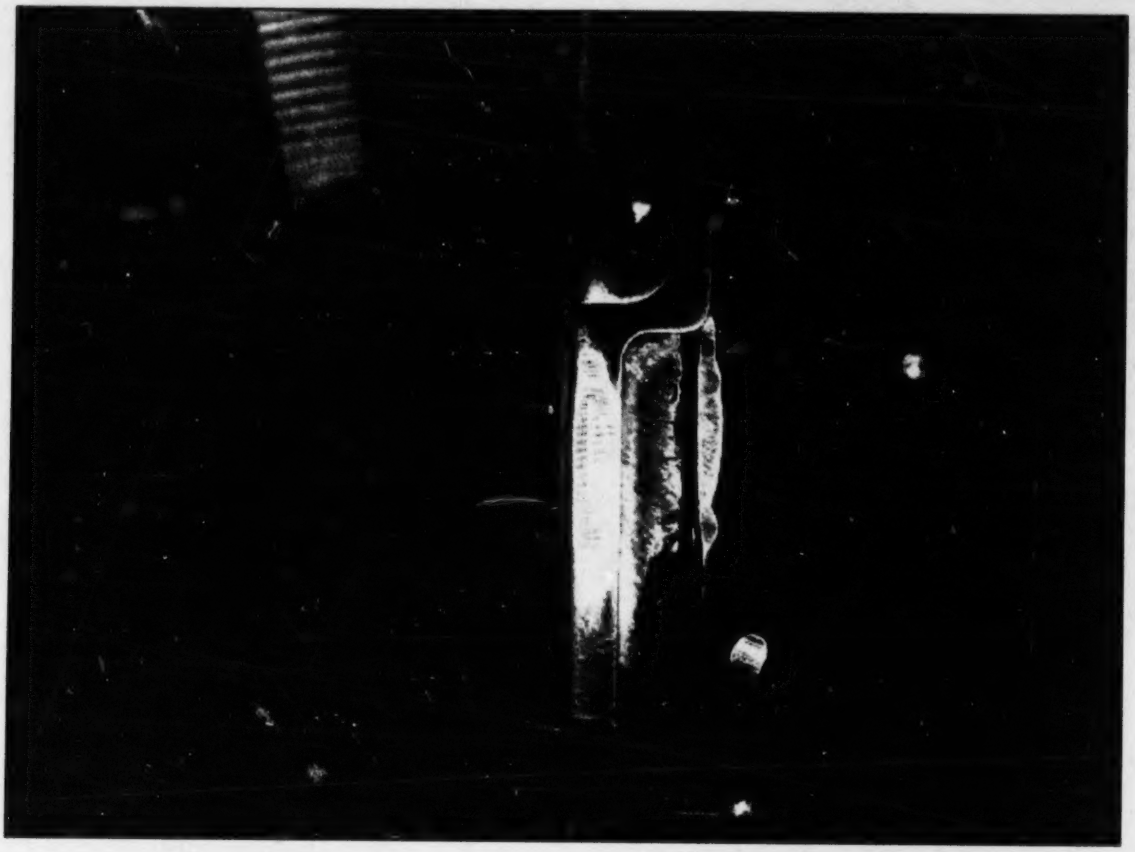
[43] Full video accessible at http://ia700807.us.archive.org/17/items/shared_khalfahom5/Fasharid5_HQ.mp4. Pause at 2 minutes and 28 seconds for view of fighter with the weapon. Last accessed on 15 July 2014.

Figure 7 (below): Still shot from an Al Kataib video showing an Al-Shabaab fighter cleaning an apparently brand new Type 56-2 assault rifle

Other cases

56. Other weapons documented in the KM5 arms market on 17 February 2014 included at least one AK-type assault rifle which was photographed with its serial number scrubbed off from the external surface of the weapon and from the internal firing pin (Figure 8). Arms dealers in the market stated that the weapon had come from SNA stockpiles and had originally been sourced from Yemen. They also stated that at least 150 of these types of weapons had been leaked into the arms markets directly from SNA storerooms. Without confirmation of the serial numbers it is impossible to verify their origin in the way that the Type 56-2 rifles above have been verified. However, the systematic scrubbing off of serial numbers is a new phenomenon observed in the Mogadishu arms markets, which indicates efforts to cover up leakages.

Figure 8 (below): An AK-type rifle photographed at KM5, displaying a serial number that has been scrubbed off from the external surface of the weapon

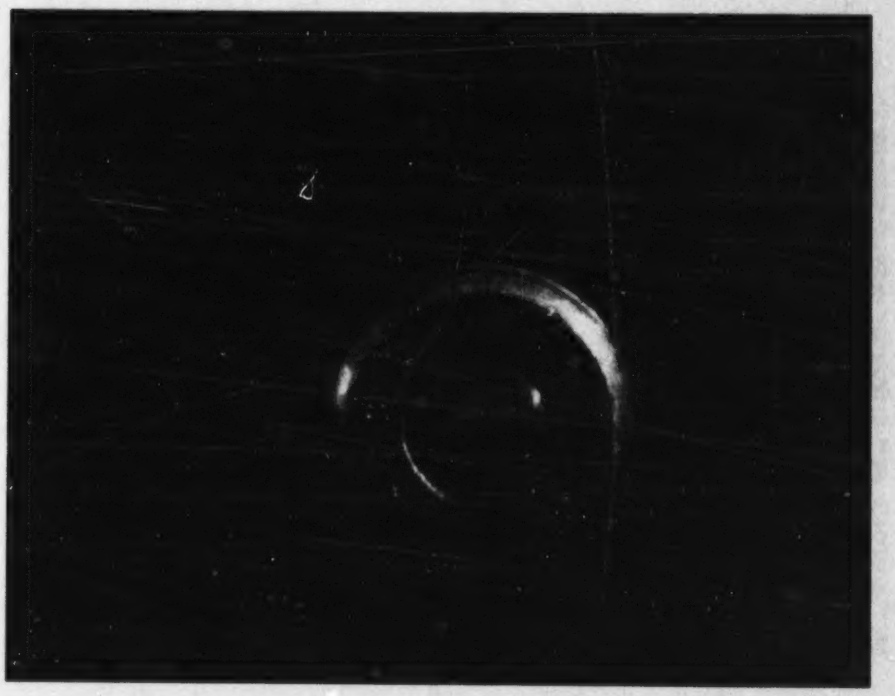


Annex 6.3: Analysis of Djiboutian-supplied ammunition in Mogadishu arms markets

57. The Monitoring Group has obtained evidence of large-scale leakage of some of the 291,000 rounds of 7.62 x 39 mm ammunition delivered by Djibouti in October 2013.

58. On 23 January 2014, the Monitoring Group visited the "Halane" storehouse, where it inspected this ammunition, which had been produced in Sudan and bore various combinations of 3-entry head stamps. Below is a sample picture of one such piece of ammunition observed at Halane.

Sample of Djiboutian-supplied ammunition at Halane (below)



59. Between October 2013 and April 2014, sources of the Monitoring Group observed thousands of rounds of identical ammunition with dealers at the KM4 and KM5 arms markets in Mogadishu, and in one instance documented a box containing Sudanese-manufactured ammunition identical to those stored in "Halane". Where possible the Monitoring Group obtained photographic evidence of samples of ammunition it observed in the arms markets. Photographed ammunition has been listed in the table below, which is accompanied by the photographic evidence of the individual samples of ammunition rounds, as well as the ammunition box.

Table of Djiboutian-supplied ammunition photographed in Mogadishu arms markets (below)

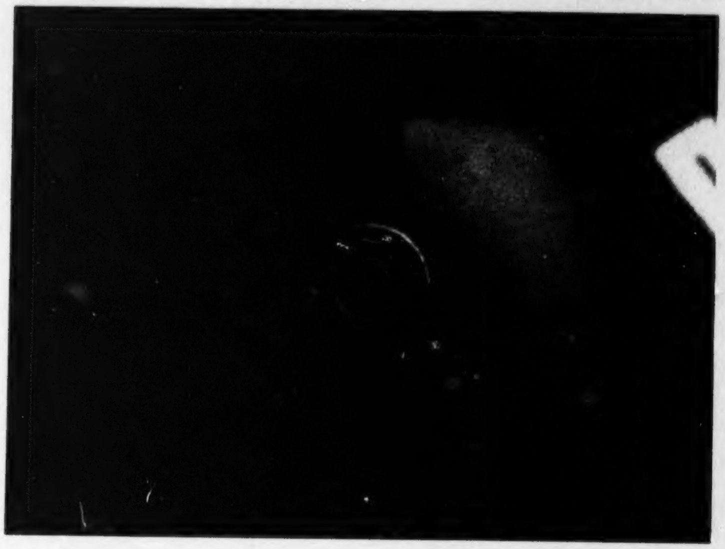
Headstamp	Date Found	Arms Market
2_39_09	16 October 2013	KM 4
3_39_09	16 October 2013	KM 4
2_39_09	10 November 2013	KM 4
3_39_09	10 November 2013	KM 4
2_39_011	17 February 2014	KM 5
3_39_09	18 March 2014	KM 5
2_39_09	18 March 2014	KM 5
2_39_011	21 April 2014	KM 5

2_39_09 head stamp photographed in KM4 market on 16 October 2013 (below)

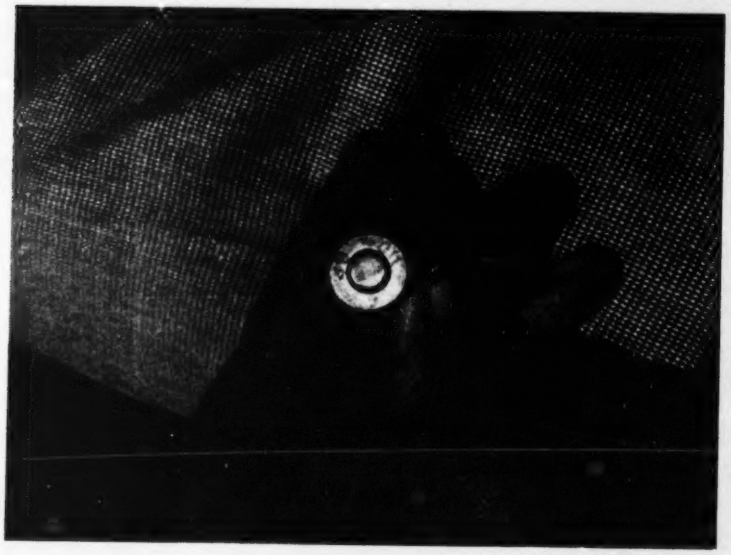
3_39_09 head stamp photographed in KM4 market on 16 October 2013 (below)

2_39_09 head stamp photographed in KM4 market on 10 November 2014 (below)

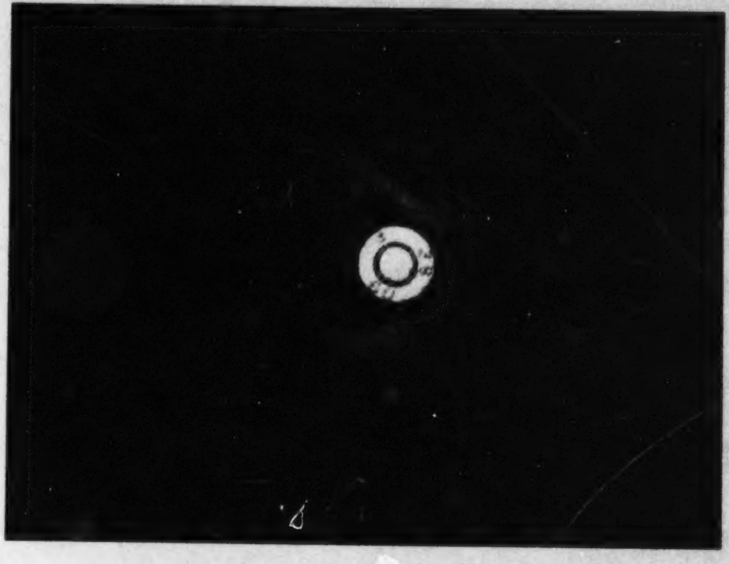
3_39_09 head stamp photographed in KM4 market on 10 November 2014 (below)



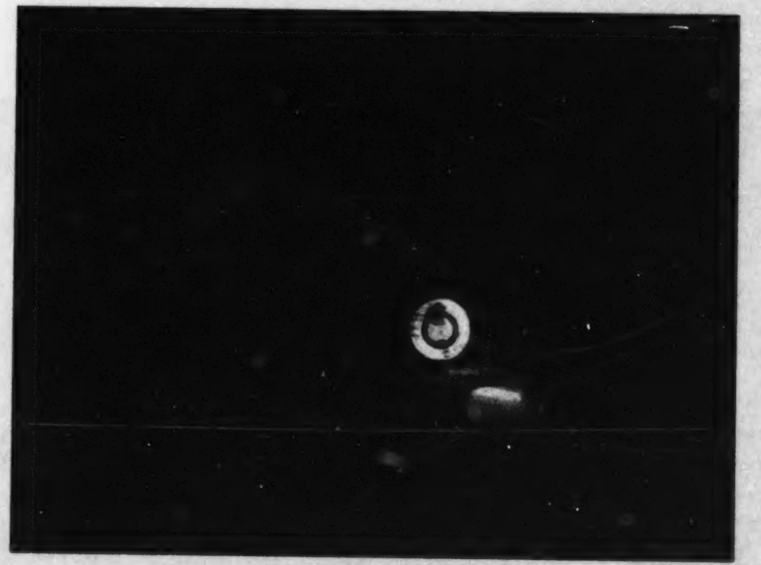
2_39_011 head stamp photographed in KM5 market on 17 February 2014 (below)



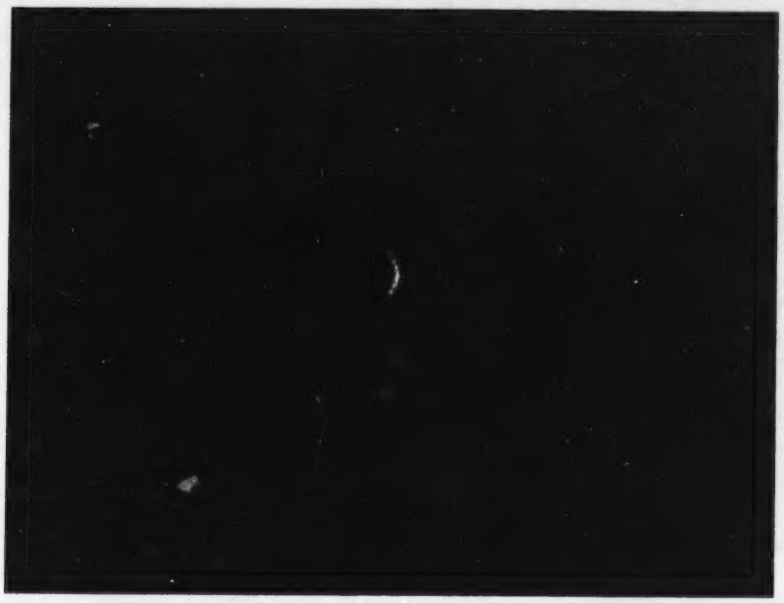
3_39_09 head stamp photographed in KM5 market on 18 March 2014 (below)



2_39_09 head stamp photographed in KM5 market on 18 March 2014 (below)



2_39_011 head stamp photographed in KM5 market on 21 April 2014 (below)



Ammunition box found in KM4 market on 16 October 2013. The same boxes have been observed in Halane, and identified as having been supplied from Djibouti (below)

Annex 6.4: Diversion of arms by political networks connected to the Federal Government of Somalia (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 6.5: Arms deliveries to Puntland

60. On 9 October 2013, the Monitoring Group was informed of the arrival at Garowe International Airport of several shipments of weapons and ammunition flown in from Yemen by Russian made aircraft on 6, 7 and 8 October 2013 and of related supplies being delivered at Bosasso seaport by boat.[44]

61. According to the information, the shipments consisted of anti-aircraft guns, small arms, and ammunition destined for the Puntland authorities, and were purchased during a September 2013 visit of the then Puntland President, Abdirahman Mohamud Faroole, to Yemen with the intent of preparing an offensive to retake Las Anod and/or to reinforce the President's military capacity during the period of the upcoming Presidential elections.

62. The Puntland Minister of Security, Khalif Isse Mudan, was reportedly on board of the third flight of 8 October 2013.

Eyewitness testimony

63. An eyewitness present at Garowe airport on 8 October 2013 described seeing a white Russian aircraft on the tarmac and stated that he had been informed by airport ground staff that the aircraft had arrived from Yemen and was carrying weapons on board.[45]

64. A second eyewitness also described the presence at Garowe airport on 8 October 2013 of a white Antonov-12 type aircraft about the size of a Hercules, with a long straight tail and green features painted on the aircraft including the propeller hubs.[46]

65. A picture taken on 8 October 2013 at Garowe airport by a third eyewitnesses confirms the delivering aircraft to be a white Ilyushin-18 with registration number TT-WAK, featuring a green nose, green striped tail, green propeller hubs and a red coloured marking indicating the website name 'www.airsirin.com' (see photograph in annex 6.5.a).

Further corroborating information

66. Additional information suggests that the aircraft delivery from Yemen on 8 October 2013 was part of a larger consignment involving additional flights delivering military uniforms, small arms, and ammunition on 14 and 15 October 2013, and that a sea transport delivered military logistics, including heavy-duty trucks and weaponry via Bosasso. During that time period, 10 trucks reportedly transported cargo from Bosasso to the Presidential Palace in Garowe and Puntland soldiers in Garowe were observed wearing new boots and camouflage uniforms bearing Yemeni emblems.[47]

Owner, operator and flight data (TT-WAK)

67. Investigations have revealed that the Ilyushin-18 aircraft with registration number TT-WAK is owned by the Ukrainian company 'Air Sirin', based in

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[44] Information received from credible military intelligence source on 9 October 2014.

[45] Information received from eyewitness on 11 October 2013.

[46] Information received from eyewitness in Garowe, 5 November 2013.

[47] Information obtained from a security source in Garowe on 22 October 2013.

Kirovograd city and represented by its directors Tatyana Snezhko (President) and George Snezhko (Commercial Director).[48]

68. When informed about the alleged cargo and operations of their aircraft in Somalia, the owners initially ignored the Monitoring Group's request to provide information about the Lessee and/or Sub-Lessee and said that they would provide further information following an 'inside' investigation.[49]

69. Eventually, Air Sirin confirmed that the aircraft was leased to a Scotland-registered offshore company named 'U.B.C. Investments L.P.', which appears to serve as a front company for Air Sirin and which sub-leased the aircraft on 16 September 2013 to the Dubai, United Arab Emirates (UAE), based airline company 'Honesty Air Cargo L.L.C.' owned by a Somali businessman based in Dubai, Abdikarim Ali Isse.[50]

70. However, information that Air Sirin claimed to have received from Honesty Air Cargo L.L.C. identified the aircraft as operated during early October 2013 by 'Somali Air Services', represented by 'Abdiaziz Mohamed' with the Somali mobile phone number +25290779418. Honesty Air Cargo did not provide Air Sirin with any further information or documentation about the operator or cargo transported.[51]

71. The International Civil Aviation Authority (ICAO) possesses no flight data indicating that the aircraft TT-WAK had landed at Garowe airport on 6, 7 or 8 October 2013, which despite the eyewitness statements and photograph taken, either implies that the aircraft never called in at Garowe airport or that airport officials did not transmit the flight data to ICAO.

72. ICAO flight data, however, does identify TT-WAK flights on other dates in October 2013 and indicates that the aircraft had flown:[52]

73. From Berberra to Dar es Salaam (Tanzania) and from Dar es Salaam to Aden (Yemen) on 3 October 2013 (operator unknown, call sign HRV4404);

74. From Djibouti to Berberra and Berberra to Aden (Yemen) on 6 October 2013 (operator Horn Africa Airline (Gallad Airline), call signs HAG301 and HAG302); and

75. From Djibouti to Berberra and Garowe to Djibouti on 10 October 2013 (operator Horn Africa Airline (Gallad Airline), call signs HAG302 and HAG301).

76. The presence of the aircraft in Yemen on 3 and 6 October 2013, in Garowe on 8 October and 10 October, and the absence of registered flights between 3, 6 and 10 October 2013 indicates the masking of more flight movements in Somalia and possibly further illicit deliveries during this time period.

77. In addition, and in light of the initial information that several shipments of weapons were flown into Garowe from Yemen by Russian made aircraft, it is noteworthy that on 5 October 2013, another Ilyushin-18 aircraft with registration number EX-601 landed in Garowe. Similar to TT-WAK, the aircraft flew in from

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[48] Information derived from AeroTransport Data Bank.

[49] E-mail received from Air Sirin on 22 January 2014.

[50] Relevant lease contracts obtained from Air Sirin on 21 February 2014.

[51] E-mail received from Air Sirin on 29 January 2014.

[52] According to ICAO flight data in possession of the Monitoring Group.

Aden (Yemen), was operated by Horn Africa Airline (Gallad Airline) and used the call sign HAG301.[53]

78. Horn Africa Airline (Gallad Airline) is run by 'Abdiaziz Mohamed', the representative of Somali Air Services and managing flight agent in Puntland for Honesty Air Cargo, the Sub-Lessee of TT-WAK, as referred to above and below.[54]

Abdiaziz Mohamud Ali 'Haji'

79. Inquiries into 'Somali Air Services' indicate that the company is virtually non-existent. The last open source registration of a company operating by that name dates back to 1994 and a 2006 screenshot of a website 'under construction'.[55]

80. Honesty Air Cargo, however, is well known to the Monitoring Group as activities of the airline company were investigated in 2009, when it was found operating the subleased Ilyushin-18 aircraft EX-75466 suspected of transporting weapons and foreign fighters to Mogadishu. At the time, the owner of Honesty Air Cargo, Abdikarim Ali Isse, rejected the allegations but then never provided the Monitoring Group with the documentary evidence it requested that could have exonerated him from any further suspicion.[56]

81. On the Facebook account of Abdikarim Ali Isse, with the username 'abdigallad',[57] the Monitoring Group identified an individual named 'Haji Abdi Aziz' who describes himself as 'Director of Operations of Honesty Air Cargo'. His name and function suggests that he could be 'Abdiaziz Mohamed', the representative of Somali Air services and operator of TT-WAK.[58]

82. Analysis of the Facebook account of Haji Abdi Aziz' indicates that his full name is 'Abdiaziz Mohamud Ali', who is also known under the names 'Haji Abdiaziz', 'Abdiaziz Sayn' and 'Haji Sayn'. He is a member of the Darod/Majerteen/Omar Mohamud/Reer Mahad sub-clan. Haji Abdiaziz, who lives in Dubai and Garowe, was part of Abdiweli Mohamud Ali Gaas' 2014 election campaign and coordinated the meetings and visits of the future President in Dubai.[59]

83. Several of his pictures posted on Facebook also suggest that Haji Abdiaziz holds an official position in the current Puntland Government. On 6 May 2014, for example, he posted a picture of himself with the Puntland and Yemeni Ministers of Security during a 5 May 2014 meeting at the Yemeni Ministry of Security. Other pictures show Abdiaziz with the Puntland Minister of Security and the Nigerian President in Addis Ababa, and with President Abdiweli Gaas in Dubai (see photographs in annex 6.5.b).

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[53] As confirmed by ICAO flight data in possession of the Monitoring Group.

[54] As confirmed by the Sub-Lessee of TT-WAK, Abdikarim Ali Isse, owner of Honesty Air Cargo LLC based in Dubai.

[55] http://www.planes.cz/en/search/company/1362/somali-air-services/?pho_company=1362; http://www.screenshots.com/somaliairservices.com/.

[56] Honesty Air Cargo was operating the Ilyushin-18 with registration number EX-75466 as a sub-contracter for Abdulkadir Ali Ossoble (Ossob Air).

[57] Note that the aircraft TT-WAK was registered as operated by Horn Africa Airline ('Gallad' Airline).

[58] https://www.facebook.com/abdigallad?fref=pb&hc_location=friends_tab.

[59] https://www.facebook.com/aziz.ali.773124.

84. A Puntland official confirmed to the Monitoring Group the close relationship between Abdiaziz Mohamud Ali 'Haji' and Puntland President Abdiweli Gaas, and said that both men are related. He further stated that Abdiaziz is believed to be in his twenties, comes from a wealthy family, and holds the position of Puntland Advisor on Oil. He is reportedly famous in Galkayo, and is connected to individuals involved in Somali piracy.[60]

85. The Monitoring Group independently confirmed that Abdiaziz Mohamud Ali 'Haji' has close ties to pirates in Puntland and has been in contact with several individuals involved in the hijackings of the vessels 'Zirku' (2011), 'Rosalia d'Amato' (2011), 'Irene SL' (2011), Sinin (2011) Khaled Muhieddine K. (2011) and 'Enrico Ievoli' (2011-2012). One of these individuals is pirate commander and investor 'Nur Abshir Gardhere', who was a member of Isse Yuluh's pirate group[61] and found to be involved in the hijackings of the 'Zirku', Suzan K (2011) and '*ING*' (2011). Abshir Gardhere is said to be originally from Harardhere and is also a contact of pirate facilitator Mohamed Aden 'Tiiceey'.[62]

Honesty Air Cargo

86. The owner of Honesty Air Cargo, Abdikarim Ali Isse, confirmed that Abdiaziz Mohamud Ali 'Haji', a.k.a. 'Haji Abdiaziz, is the owner of Somali Air Services, a local service provider and flight agent with offices in Garowe and Galkayo, and a representative of Honesty Air Cargo in Puntland. He also said that Haji Abdiaziz is a Puntland 'official' who has a close relationship with President Abdiweli Mohamud Ali Gaas.[63]

87. While Abdikarim Ali initially told the Monitoring Group that he had "no details at all" about the 8 October 2013 TT-WAK flight, he later confirmed Haji Abdiaziz to have managed and operated the TT-WAK flight under the name of 'Horn Africa Airline (Gallad Airline)' (mentioned above) but said the aircraft conducted only one direct flight from Aden (Yemen) to Garowe on 6 or 7 October 2013.

88. Furthermore, according to Abdikarim Ali Isse, it was Khalif Isse Mudan, the former Puntland Minister of Security, who organized the TT-WAK cargo delivery from Yemen to Garowe, which was accompanied by an unknown Puntland official who carried the transportation documents with him. Abdikarim Ali could not confirm whether the unknown Puntland official was Khalif Isse Mudan but he did confirm that the former Minister of Security was present at Garowe airport when the aircraft landed and took receipt of the 'diplomatic' cargo.

89. Abdikarim Ali Isse said he did not possess any documents of the cargo transported, which he assumed to be in possession of Haji Abdiaziz who made all necessary transport arrangements. He also claimed to have been informed by e-mail that the cargo contained medicines and clothes and that the aircraft would probably not have transported any military items other than 'perhaps' uniforms.

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[60] Meeting with Puntland official, who also stated that Haji Abdiaziz works closely with Africa Oil and has contacts all over East Africa, 21 May 2014.

[61] The Monitoring Group has previously reported on Yuluh's activities in S/2013/413, annex 3.1 (Yuluh was spelled as Yullux in that report).

[62] Communication data in possession of the Monitoring Group.

[63] Interview with Abdikarim Ali Isse in Dubai on 4 June 2014.

90. As in 2009, Abdikarim Ali Isse again did not provide the Monitoring Group with any of the documentary evidence requested, which would have a) confirmed the e-mail communication referring to the content of the transported cargo, b) showed the whereabouts of aircraft TT-WAK between 1 and 10 October 2013, and c) indicated the exact date on which the aircraft transported the Puntland consignment from Aden to Garowe. He also did not provide the names requested of the pilots and crew that had operated the aircraft who could have provided additional information with respect of the content of the cargo and the itinerary of the aircraft.

Confirmation of weapon shipments

91. Different sources, including a former Puntland official who was closely involved in organizing the weapon shipments, confirmed that during early October 2013 weapons, ammunition and uniforms, commissioned by the Puntland Minister of Security, Khalif Isse Mudan, were transported from Yemen to Bosasso and Garowe.[64]

92. The consignments reportedly included:

- 15,000 uniforms;
- AK47 assault rifles and PKM light machine guns (unknown quantity);
- 100 heavy machine guns;
- 200 barrels for anti-aircraft gun (ZU or ZU-type); and
- 150 tons of ammunition.

93. These were shipped with a total of 6 flights and 2 dhows. However, it remains unclear whether more than one aircraft was used to conduct the different air deliveries, even if on 5 October 2013, ICAO data registered the arrival at Garowe airport of EX-601, another Ilyushin-18 aircraft operated by Horn Africa Airline (Gallad Airline) and coming from Aden, Yemen.

94. On 19 June 2014, the Monitoring Group met with former Puntland Minister of Security Khalif Isse Mudan at the Continental Hotel in Nairobi but he was unwilling to discuss the October 2013 arms deliveries and said that as he is no longer part of the Government he cannot bear responsibility for any past Government activities and referred to the new Puntland administration for any further comment.

95. Also, an e-mail written to Abdiaziz Mohamud Ali to request further information and clarifications has yielded no response or reaction.[65]

Violation of the arms embargo

96. The preponderance of the available evidence, including witness statements and other indications of suspicion, as well as the failure or refusal of the individuals and companies involved to provide further information and clarity about the shipments identified and their transportation, suggests that the former Puntland Government, in the person of its Minister of Security, Khalif Isse Mudane, has indeed imported

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[64] Information obtained from a diplomatic source in Nairobi on 6 March 2014 and from a former Puntland Government official in Dubai on 30 May 2014.

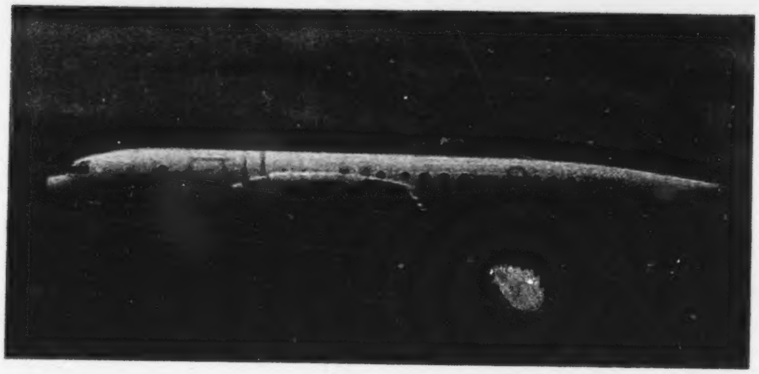
[65] Monitoring Group e-mail dated 12 August 2014.

weapons, ammunition and other military items into Somalia, and in absence of any notification to the Committee has violated the arms embargo on Somalia. Moreover, Honesty Air Cargo and Haji Abdiaziz Mohamud Ali may be considered accomplices and bear responsibility of the violation of the arms embargo given their refusal to provide full transparency with regards to the shipments.

Annex 6.5.a: Photograph of Ilyushin-18 aircraft (TT-WAK) at Garowe, Puntland

Photograph taken by eyewitness on 8 October 2013 at Garowe airport

The same photograph, in close-up



Annex 6.5.b: Photographs of 'Haji' Abdiaziz Mohamud Ali[66]

'Haji' Abdiaziz (right) and the Puntland (left) and Yemeni (middle) Ministers of Security at the Yemeni Ministry of Security in Sana'a, Yemen, 5 May 2014

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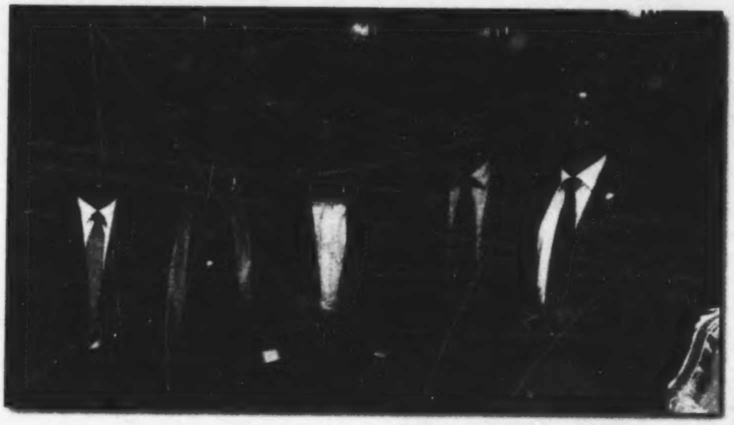
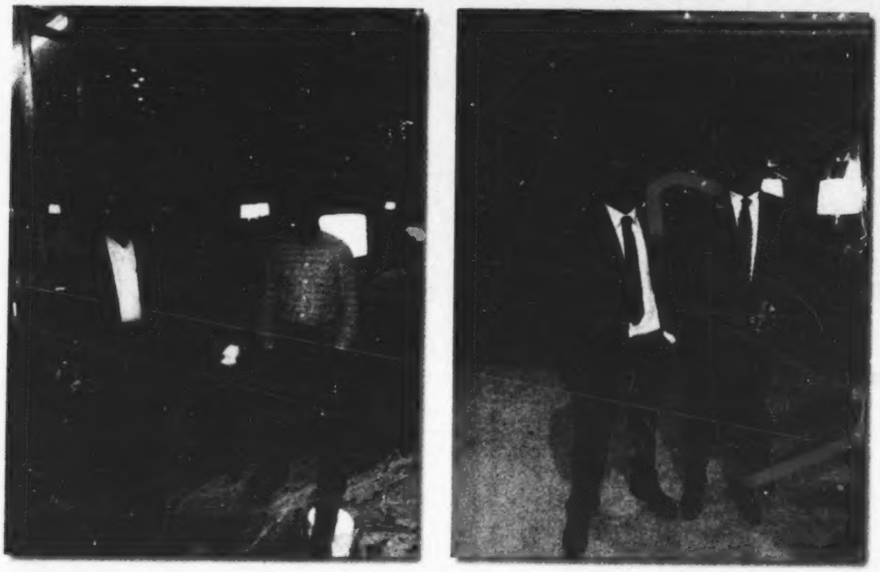
[66] 'Haji' Abdiaziz Mohamud Ali is a Puntland Government advisor on oil, a flight agent of Honesty Air Cargo in Puntland, a representative of Somali Air Services and Horn Africa Airline (Gallad Airline) in Garowe and Galkayo, and a suspected pirate facilitator.

'Haji' Abdiaziz (left) next to former Nigerian President Olusegun Obasanjo at Bole International Airport, Addis Ababa, on 27 April 2014. Also figuring in the photograph is the Puntland Minister of Security, Hassan Osman Mahamud Aloore (second from the right)



Puntland President Abdiweli Mohamud Ali Gaas flanked by his confidant and current Puntland Advisor on oil, 'Haji' Abdiaziz Mohamud Ali, in several photographs taken at various locations and dates:

In Dubai, UAE, on 11 November 2012 (left) and 19 October 2013 (right)



In Mogadishu on 6 February 2014

Annex 6.6: Smuggling of IED equipment and associated smuggling networks

97. The Monitoring Group previously documented (S/2013/413) a large shipment of weapons that had been supplied from Yemen to a location close to Qandala, in far northeastern Somalia, in October 2012. The arms cache included 220 RPG-7 rockets, 304 PG-7 boosters, 230 hand grenade detonators, a 73mm cannon, 137 kilograms of TNT, two bags of ammonium nitrate, five rolls of red detonating cord and 500 electric detonators (C-DET), making it one of the biggest seizures of an illegal arms cache documented in Somalia in recent years.

98. The PG-7 rounds were traced back to official stockpiles in Yemen, although it is not clear how these weapons were leaked from such stockpiles. This information corroborated by the Monitoring Group at the time suggested the entire cache had been assembled in Yemen by an organized network of individuals.

99. The 500 electric detonators were manufactured by C-DET Explosive Industries in Maharashtra, India. The Monitoring Group has since continued to document cases of new and identical C-DET detonators arriving in Qandala, and their use in IED attacks in various locations across southern Somalia. Indeed, on 9 December 2013, Puntland authorities presented a new batch of 500 identical C-DET electric detonators, which police had seized in Qandala.[67]

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[67] Puntland police confirmed to the Monitoring Group the items had been seized under a tree in Qandala, having been identified by local community members who reported the cache as a new arrival.

C-DET detonators inspected in Garowe, 9 December 2013

100. The reoccurrence in Qandala of these important IED component parts is consistent with information obtained by the Monitoring Group that has identified the Las Qoray to Qandala area as an important entry point for weapons and IED equipment from Al-Shabaab support networks operating in Yemen. This network operating between Las Qoray and Qandala is involved in illegal fishing and smuggling activities in the Gulf of Aden, and has been previously mapped out (S/2013/413, annex 3.1).

101. During 2013, the Monitoring Group documented at least four cases in which C-DET detonators were recovered from IED finds as far south as Merka and Mogadishu. These include incidents on: 23 July 2013 in Wadajir district, Mogadishu; on 18 August 2013 in Merka; on 5 September 2013 in Hawlwadaag, Mogadishu; and on 20 October 2013 in Hoodon district in the Banadir area.[68] In two of the four incidents, on 23 July 2013 and 20 October 2013, red detonator cords were also recovered (see annex 6.6.a for photographs of C-DETs and detonator cords recovered from each incident).

102. As noted above, the original Qandala find of October 2012 also included five rolls of red detonator cords. These were manufactured by Vetrivel Explosives Pvt Ltd in India. On 15 April 2013, the Government of India provided information that

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[68] Information retrieved from database managed by a security agency documenting IED attacks across Somalia. Nobody was injured or killed during these four incidents.

the five rolls had been part of an original consignment of 100,000 metres (or 400 rolls) of detonator cords that had been exported from India in 2009 to a private customer, named as Anwar Salah Abdo Kodais, who registered his address in Djibouti.[69] An intelligence source had told the Monitoring Group that the detonator cords were transferred from Djibouti to Yemen, where some of the rolls were absorbed into the shipment eventually transported to Qandala (see S/2013/413). On 1 September 2014, C-DET Explosive Industries also confirmed Kodais as the purchaser of the C-DET electric detonators found in Qandala in October 2012. Those electric detonators were originally purchased as part of a batch of 1,000,000 such detonators by Kodais, also in 2009.[70]

103. The Monitoring Group has obtained further information that Kodais paid for the import of the red detonator cords via a letter of credit for USD 180,000 raised by Saba Islamic Bank in Sana'a, Yemen, and eventually settled by Mujahid Jarman of International Trading Co Ltd, Al Zubairi Street no. 52, P.O. Box 15117, Sana'a, Yemen on behalf of Kodais. The broker for the deal was Mohsen Saleh Salim Bin Al Naqeeb, of Mohsen Al Naqeeb General Trading LLC, P.O. Box 171499, Dubai, United Arab Emirates (UAE).[71] The Monitoring Group has shared this information with the Yemeni authorities who have stated they need additional time to investigate the matter further. Kodais also paid for the C-DET detonators via a letter of credit for USD 205,000 raised Saba Islamic Bank and also settled by International Trading Co Ltd.[72]

104. The Monitoring Group has obtained the following information in respect of 'Kodais'. His official name is Anwar Saleh. He is of Djiboutian nationality (see annex 6.6.b for identity documents), although he is described by Djiboutian officials as originally from Yemen. He is a former dealer in explosives who was based in Djibouti. He previously worked for the Franco-Djiboutian company *Savon et Ries* in Djibouti before emigrating from the country. He is known to have resided in France for some of 2013 and 2014.[73] He is known to have connections to Al-Shabaab,[74] and has cultivated connections to *Dhulbahante* clan interests in the disputed Sool region, which straddles Puntland and Somaliland (see annex 3.1 for more on threats to peace and security in this region).[75]

105. Saleh is also known to be close to the Somaliland Member of Parliament Mohamed Ahmed Mohamoud 'Dhakool' (*Dhulbahante*), who has been investigated by the Somaliland authorities in the past for potential links to Al-Shabaab and involvement in the assassination of Somaliland government officials in Las Anod,

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[69] Name and address on shipping manifest provided as Anwar Salah Abdo Kodais, Handaly Street, PO Box 2120, with telephone number +253832794.

[70] Information provided by C-DET Explosive Industries, 1 September 2014. The company stated Kodais has been the only purchaser of C-DET electric detonators in either Djibouti or Yemen.

[71] Information obtained from confidential banking documentation obtained by the Monitoring Group and archived at the United Nations, as well as summarized from order communications.

[72] Information provided by C-DET Explosive Industries, 1 September 2014.

[73] Information provided by Djibouti Government, 6 May 2014.

[74] Information provided by two separate western intelligence sources, 20 October 2013 and 11 January 2014, and corroborated by Somali intelligence source.

[75] Information provided by western intelligence source, 11 January 2013, and Djiboutian intelligence service, 6 May 2014.

the main city in Sool.[76] The two men are said to be business partners together in Las Qoray, an important hub for the illegal fishing and trafficking network profiled by the Monitoring Group (S/2013/413, annex 3.1), where they are engaged in importing and trading general merchandise.[77]

106. 'Dhakool' is the half brother of Al-Shabaab Amniyat officer Abdullahi Ahmed Mohamud 'Arabey' (*Dhulbahante*), who was arrested by the Somaliland authorities in late January or early February 2014.[78] According to Somaliland's intelligence services 'Arabey' has been an important recruiter for Al-Shabaab in Somaliland and a key member of Amniyat in Barawe, but had migrated back to a location near Las Anod in Sool during 2013 before his eventual capture by Somaliland forces in 2014.[79]

107. The Monitoring Group has obtained the address book from Arabey's telephone, which was confiscated by Somaliland authorities. One of the numbers in the address book is that of Abdifatah Mohamed Ali (*Dhulbahante*), the former finance chief of the now defunct Hizbul Islam, who has been based in Mogadishu since his surrender in 2013 alongside former Hizbul Islam leader Hassan Dahir Aweys. See annex 3.1 for more on Abdifatah Mohamed Ali, and his links to the Khatumo separatist movement in Sool.

Al-Shabaab smuggling from Yemen

108. The Monitoring Group has obtained credible information from military intelligence sources that maritime vessels from Yemen have delivered consignments of weapons and IED component materials to Al-Shabaab commanders at drop off points on the Somali coast.

109. In particular, the Monitoring Group has obtained information about the deployment of two vessels from the Yemeni port city of Shoqra to near Haradheere and to another location near west of Las Qoray in late February 2014.[80] According to eyewitnesses at the drop off near Haradheere, the consignment contained RPG's, machine guns, pistols, ammunition and IED components. Among the leadership present at the drop off included Sheikh Yusuf Isse "Kabukatukade", who has been involved in other shipments from Yemen (see annex 6.4).[81] A key individual responsible for the transfer of IED equipment from Yemen to Somalia in 2013 and 2014 is Khalid Jaama Nur[82], who is mentioned in annex 1.4.

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[76] Somaliland Ministry of Interior official stated that 'Dhakool' had been investigated in the past, although no evidence was found against him, 5 February 2014. A former Somaliland intelligence official reported that he had personally investigated 'Dhakool' but declined to go into details into the case, 16 January 2014.

[77] Information provided by western intelligence source, 11 January 2014, and corroborated by Somali intelligence source, 2 February 2014.

[78] Confirmed by numerous Somaliland Government officials. The Monitoring Group has repeatedly requested access to Arabey, and although the Somaliland authorities have agreed to provide access, no organizational efforts were made on the part of the Somaliland Government. Indeed, the Ministry of Interior restricted his interaction with the Monitoring Group to one formal meeting at the start of the Group's mandate in late 2013.

[79] No further information on Arabey's status of cooperation or his testimony from questioning by Somaliland authorities was shared with the Monitoring Group.

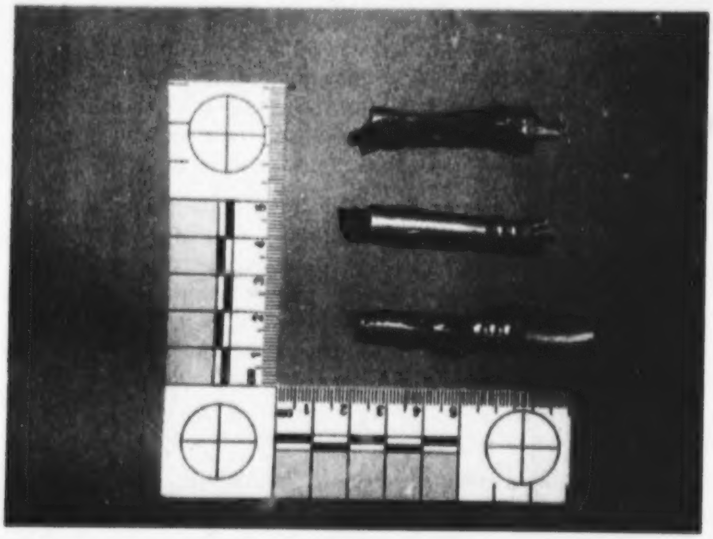
[80] The vessels are said to have left Shoqra on the same day, according to an IGAD member state intelligence service, 12 March 2014, and Puntland intelligence service, 25 February 2014.

[81] According to two eyewitnesses present at the drop-off.

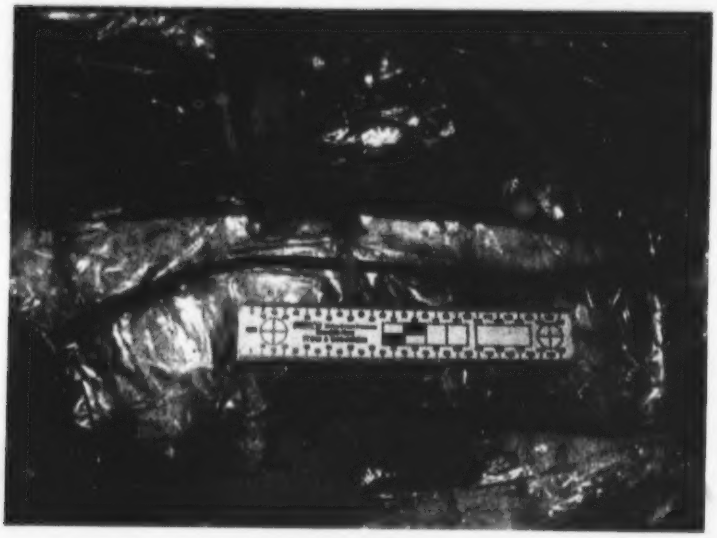
[82] Information provided by two separate and unrelated intelligence sources, 25 February 2014 and 16 April 2014.

Annex 6.6.a: Photographs of electric detonators and detonator cord recovered from IED incidents

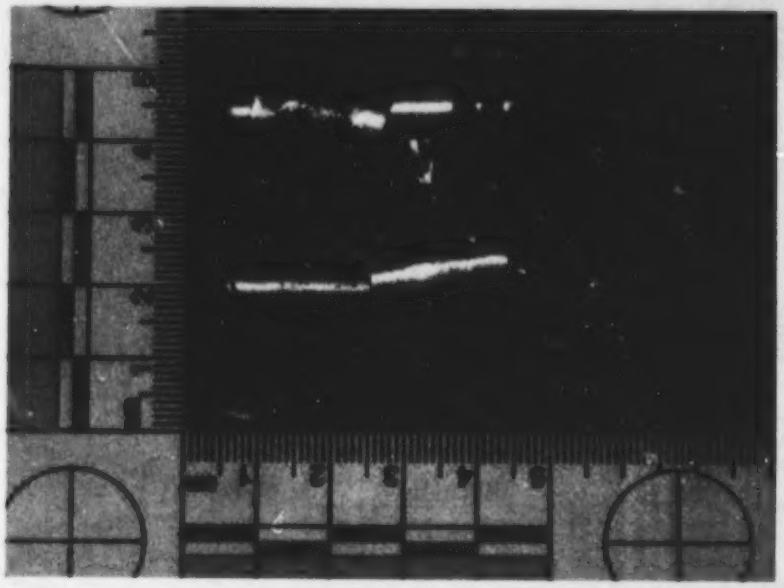
3 C-DET caps recovered from the 23 July 2013 incident at Wadajir (below)



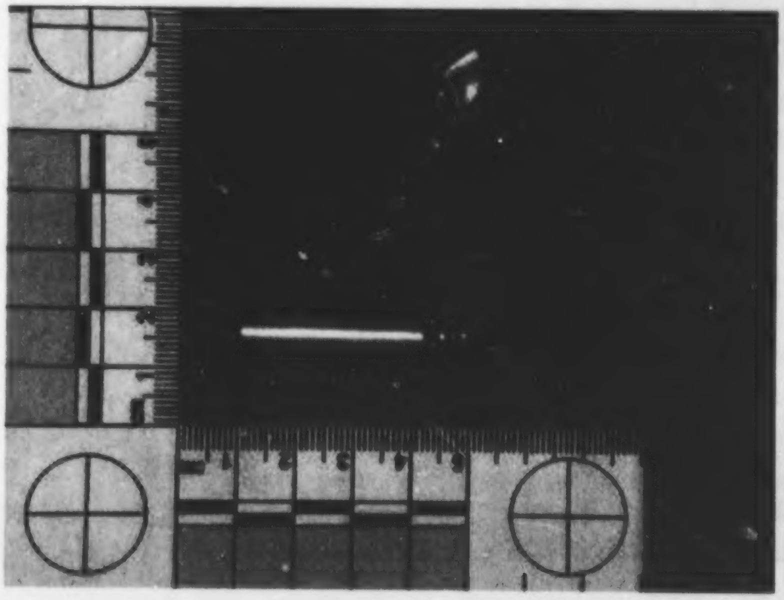
100mm of red detonator cord also recovered from the 23 July 2013 incident at Wadajir (below)



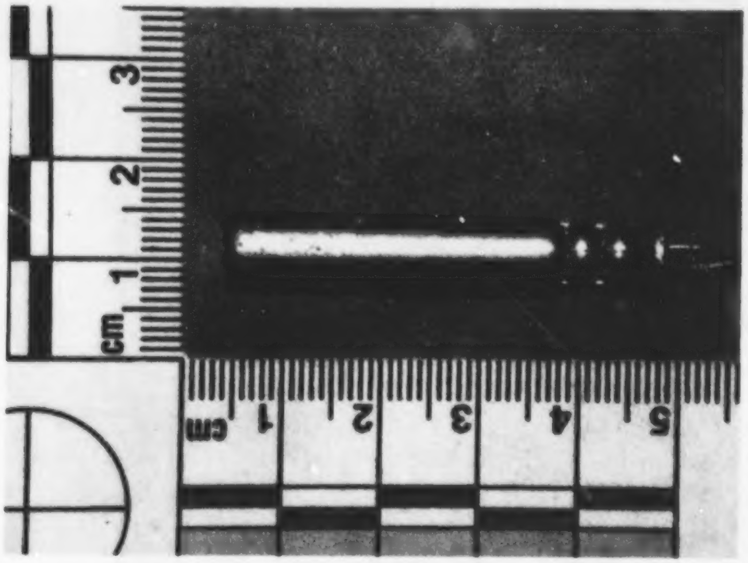
C-DET caps recovered from the 18 August 2013 incident at Merka (below)



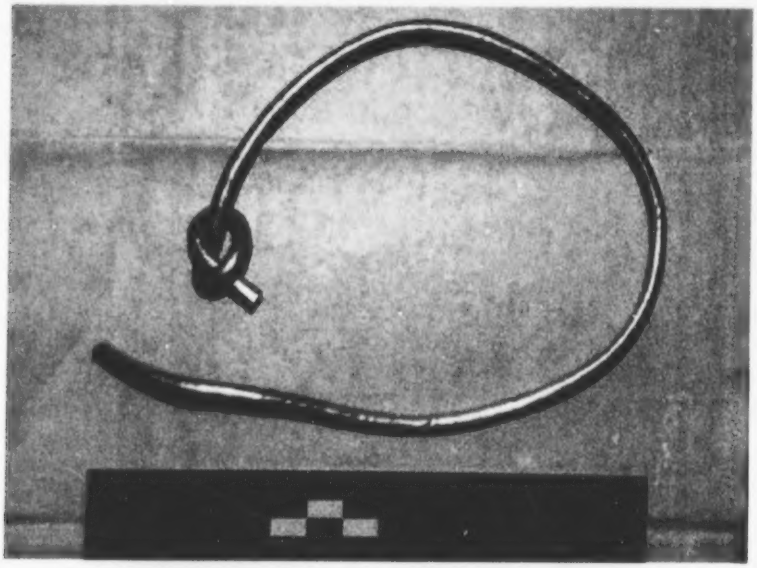
C-DET cap recovered from the 5 September 2013 incident at Hawlwadaag (below)



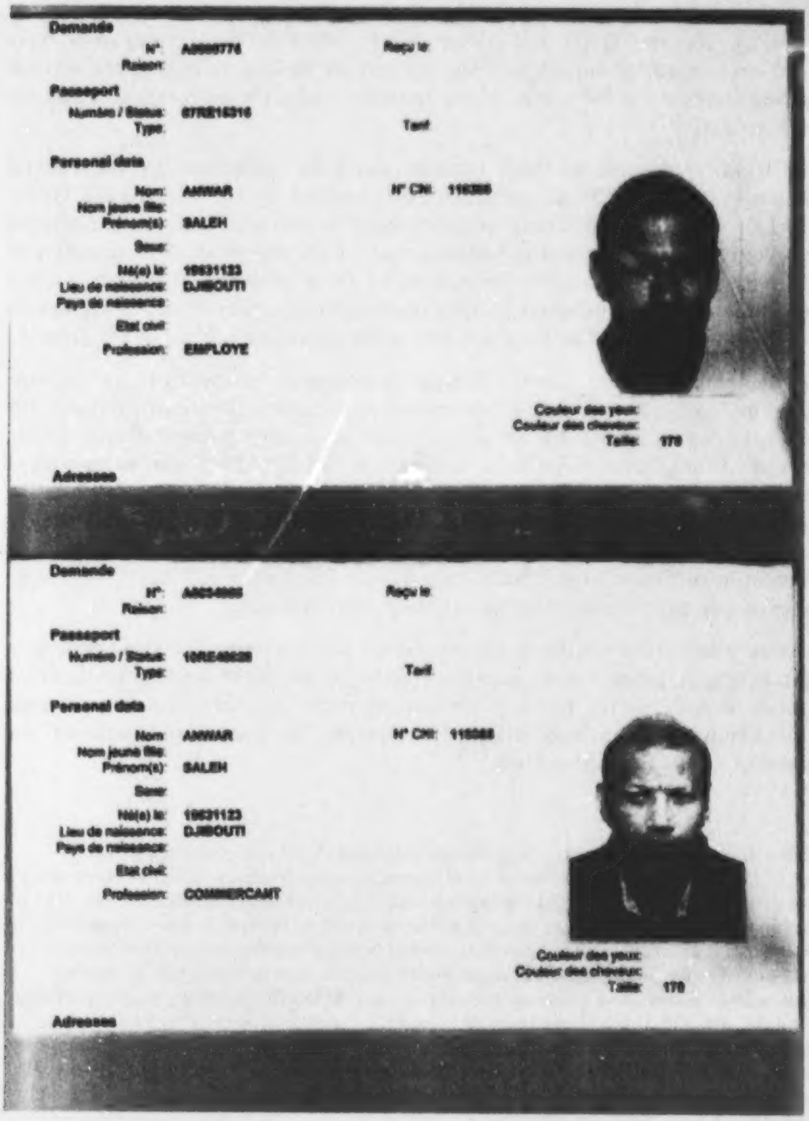
C-DET cap recovered from the 20 October 2013 incident at Hoodon (below)



Red detonator cord recovered from the 20 October 2013 incident at Hoodon (below). The det cord is red but covered in TNT/aluminum residue from the main charge.



Annex 6.6.b: Immigration profile for Anwar Saleh, using two Djiboutian passports



Demande

N°: A0009776 Reçu le:

Raison:

Passeport

Numéro / Status: 07RE16316

Type: Tarif:

Personal data

Nom: ANWAR N° CNI: 116388

Nom jeune fille:

Prénom(s): SALEH

Sexe:

Né(e) le: 19631123

Lieu de naissance: DJIBOUTI

Pays de naissance:

Etat civil:

Profession: EMPLOYE

Couleur des yeux:

Couleur des cheveux:

Taille: 170

Adresses

Demande

N°: A0034000 Reçu le:

Raison:

Passeport

Numéro / Status: 10RE40620

Type: Tarif:

Personal data

Nom: ANWAR N° CNI: 116088

Nom jeune fille:

Prénom(s): SALEH

Sexe:

Né(e) le: 19631123

Lieu de naissance: DJIBOUTI

Pays de naissance:

Etat civil:

Profession: COMMERCANT

Couleur des yeux:

Couleur des cheveux:

Taille: 170

Adresses

Annex 6.7: Analysis of the proposed Oil Protection Unit for Somaliland

110. A number of foreign oil companies are now operating in Somaliland, notably Genel Energy, Rakgas, DNO and Ansan Wikfs. Most of these companies have completed environmental impact assessments and are looking to commence seismic activity. See annex 6.7.a for a map of the licenses, and a list of companies and the status of their activities.

111. The legality of some of these licenses has been challenged by the Federal Government of Somalia (FGS), as previously reported by the Monitoring Group (S/2013/413). As such, the Group recommended a political dialogue to resolve disputes over resource allocation in Somalia, and for the cessation of all commercial activity in the oil sector pending resolution of these disputes. However, such a recommendation does not necessarily deny the need for security forces to protect oil workers, should commercial activity proceed in the oil and gas sector in the interim.

112. In September 2013, Genel Energy temporarily suspended its seismic operations in Somaliland citing a "deteriorating security situation". Indeed, the Monitoring Group is aware of an alleged plot by a Burao-based businessman, Sheikh Ahmed Said Jaar, who was arrested in August 2013 on suspicion of coordinating a possible armed attack against a convoy of Genel workers. While the Somaliland Government confirmed Jaar's arrest in respect of this plot and alleged links to Al-Shabaab,[83] officials have maintained that the threat against Genel was not imminent or sufficient to warrant a suspension of activities and that there was no material evidence against Jaar, who was subsequently released.[84]

113. Despite claims that the threat against Genel was minimal, the Government of Somaliland commissioned a study into the viability of an Oil Protection Unit, which would serve as a defensive force to protect oil industry operations from threats. Some oil companies are not willing to operate in Somaliland without the deployment of an Oil Protection Unit.[85]

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[83] Somaliland's director of intelligence, Jama Botan, informed the Monitoring Group in early December 2013 that Jaar was suspected of involvement in a plot to attack Genel workers using explosives and to also kidnap some of the international workers, though because the plot was at the initial stages of preparation, little material evidence could be brought to bear. However, Jaar had been under surveillance and had been documented holding telephone conversations with individuals linked to Al-Shabaab, according to Botan. Despite repeated requests for further information neither Somaliland's intelligence services nor its Interior Ministry has been willing to provide a full account of the alleged plot or indeed the operations against Jaar. Instead, according to sources close to the Presidency, and a former Somaliland intelligence officer interviewed in 2013, Somaliland officials have been instructed by the Presidency not to reveal the true extent of the security lapse, for fear of destabilizing Somaliland's image as a relatively safe environment for international business.

[84] E-mail from Somaliland Interior Ministry official Ato Kochin, on behalf of Interior Minister, dated 25 June 2014, stating that "this individual was detained on numerous occasions, but was released on the bases that there was no enough evidence to convict him through the courts and subsequently released by authorities (*sic*)".

[85] Indeed, Sterling Energy, which is a junior partner of Genel in the Odeweyne Block has delayed operations until an Oil Protection Unit is established. "Operations in Somaliland have been delayed while the Government of the Republic of Somaliland establishes a trained and equipped Oilfield Protection Unit 'OPU' that can provide the level of security required by the in-country operators so that future seismic and drilling operations can be conducted safely," says Sterling Energy chairman Alastair Beardsall, as quoted in the *Somaliland Sun*, 19 July 2014.

114. The Government of Somaliland has informed the Monitoring Group of its willingness to abide by Security Council resolutions pertaining to the import of military equipment and training for any such Oil Protection Unit. The legal import of equipment and training would require a Member State or international, regional or sub-regional organization to notify the Committee of any such supply of equipment or training and would require the absence of a negative decision by the Committee.[86]

115. The Oil Protection Unit is still in its design phase and is unlikely to be created for months. However, the Monitoring Group is raising a number of issues of concern which it would recommend the Government of Somaliland to mitigate before any notification is submitted to the Committee pursuant to paragraph 11 (a) of resolution 2111 (2013).

Proposed structure

116. Assaye Risk, a London-based risk assessment company has been contracted by the Government of Somaliland to design a blueprint for the creation of an Oil Protection Unit for the protection of all international oil companies operating in Somaliland. The costs of producing this blueprint have been borne by Genel Energy. The Monitoring Group would like to acknowledge Assaye Risk's role in taking all available steps to engage and inform the Monitoring Group on its activities in respect of its proposal.

117. The Assaye Risk blueprint recommended the Oil Protection Unit be "legally constituted". The Government of Somaliland has informed the Monitoring Group that it does not need Parliamentary approval to constitute the Oil Protection Unit, since it will be made up of existing Army and Police units. As such the Oil Protection Unit is seen by the Government of Somaliland as a reorganization of existing security forces rather than a creation of a new territorial force.

118. However, the force would be governed by a Coordinating Committee under the instruction of the Ministry of Interior with guidance from the Ministry of Mines and Energy. As such, some members of the Somaliland Parliament believe that since the OPU will report to a committee yet to be created within the Ministry of Interior, its regulation would require parliamentary approval.[87] This difference of opinion could lay the ground for future political opposition to the Oil Protection Unit should the management of the Unit ever come into question.

119. Assaye Risk, in consultation with the Somaliland Government, has proposed that an Oil Protection Unit force be composed of initially 420 personnel, fully drawn from the existing Police and Army units of the Government of Somaliland, and eventually scale up to 580.[88] The Oil Protection Unit would include six mobile

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[86] Paragraph 11 (a) of resolution 2111 (2013) states that the arms embargo on Somalia shall not apply to supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and subregional organizations intended solely for the purposes of helping develop Somali security sector institutions, in the absence of a negative decision by the Committee within five working days of receiving a notification of any such assistance from the supplying State, international, regional or subregional organization.

[87] Comments made by a Somaliland MP who sits on the internal affairs and security committee, 5 August 2014.

[88] There will be a small number of civilian personnel hired by the Oil Protection Unit for administrative and legal tasks.

support units of 36 personnel per mobile unit responsible for accompanying and protecting oil industry personnel in the field. Depending on the demand for services, the size of the Oil Protection Unit can be scaled down, with units being re-assigned back to the Army and Police following the completion of seismic work by oil companies. At full force of 580 personnel, two separate seismic operations can be supported.

120. It is unclear how the Government of Somaliland would guarantee the clan neutrality of such a force, even though the Assaye Risk plan states that the force would be made up of a permanent cadre and a local cadre reflective of local clans in the area of operation.

121. The Oil Protection Unit would be mandated to deter threats through its armed presence and to defend against attacks with proportionate and regulated force as a last resort. It would ordinarily detect threats and deflect them into the hands of other Somaliland security agencies. According to Assaye Risk, the Oil Protection Unit itself would collect its own intelligence on local security conditions pertaining to oil industry activities as well as rely on inputs from other Somaliland security agencies.

122. Assaye Risk state that Risk Management Companies would interface defining the security requirement on behalf of oil companies and pass a request for services to the Oil Protection Unit.

Funding

123. The Assaye Risk plan proposed that the Oil Protection Unit be "Government Owned but Commercially Operated", whereby the OPU would be a Government owned entity whose services would be available commercially to private oil companies who would pay for services rendered. Financing for the build and operation of the unit could be achieved either through a commercial investor, or from a repayable loan, or from a humanitarian fund, which have yet to be identified. The available funds would be used to contract with private companies or "delivering entities" who would handle procurement, training and mentoring for the Unit. These delivering entities would be selected through a transparent invitation to tender process.

124. According to Assaye Risk, the Oil Protection Unit operational cost would require an investment of an estimated USD 20-25 million for training and equipping and setting up headquarters and initial operations. The unit would incur a monthly cost estimated at USD 900,000[89] when the Unit becomes fully operational. When no protection services are required, the majority of the unit would return to normal police or army duties with only a small body of headquarters staff retained on a full time basis.

125. If the investment came from a humanitarian fund,[90] such a fund could recover a share of profits from the Oil Protection Unit over a finite period in order to recover its principal investment (but with no interest) after which the full control of the Oil Protection Unit would be handed back to the Government of Somaliland.

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[89] The USD 900,000 would be covered from Oil Protection Unit fees applicable to oil company clients.

[90] The Monitoring Group is aware of at least one humanitarian investor who has expressed interest in this model, but is verifying details regarding the investor's identity and incorporation.

126. If the funding is secured through a repayable loan, all profit would go back into the Oil Protection Unit with the exception of payments of the principal loan and interest. Once the loan has been repaid, the Government of Somaliland would have 100 per cent ownership of the Oil Protection Unit. In the interim, it is likely that the creditor would request a quasi-commercial body to supervise the commercial operation of the Oil Protection Unit in order to protect its return.

127. If the USD 20-25 million pool of funding was put up by a commercial investor, such as an international private military company, the Government of Somaliland would share profit from the Oil Protection Unit with the commercial investor over a specific period of time, or over the lifetime of the project, depending on the contract for funding.

128. Given the funds for the creation of the Oil Protection Unit will not be generated from the Somaliland budget itself, it is worth considering whether the Government of Somaliland will realistically be able to extend independent authority over the force.

Composition and control

129. The issue of whether influence can be brought to bear over the Oil Protection Unit is of critical importance to peace and security, particularly in a context within Somaliland where the allocation of oil licenses by the Government in Hargeisa has drawn resistance from some clan and opposition groups.

130. Indeed, in all three funding proposals laid out above, the Oil Protection Unit would come under the influence of a commercial entity or investor for a period of time. If the interests of any selected delivery entity (beyond its contractual obligations to provide a technical service for a fee) were tied to the financial interests of the financiers or oil companies, this could compromise or complicate the decision-making process within the Oil Protection Unit. Such risk is especially acute under the Assaye Risk proposal as the company expects any delivery entity involved in mentoring the Oil Protection Unit to maintain its own staff embedded in the Oil Protection Unit until such a time as the Unit can function smoothly without supervision.

131. It is therefore crucial to ensure that the financing of the Oil Protection Unit remains separate from any delivery entities involved in its build and management and that an independent supervisory body is appointed to ensure such conflicts of interest do not arise. The Monitoring Group would envisage working closely with such an independent supervisory body.

132. When the Oil Protection Unit is operational, each oil company would articulate its security needs to the Oil Protection Unit through a designated Risk Management Company, which would define the requirements and pass a request for services to the Oil Protection Unit. The delivery of the security plan by the relevant Oil Protection Unit sub-unit would be achieved in coordination with the Risk Management Company on the ground. As such it is also crucial that Risk Management Companies are also separate from the financing of the Unit.

133. So far the Somaliland Government has reported that six companies have bid in time for contracts as delivering entities: 1) Saladin Security 2) Newport Africa 3) R4 Incorporated 4) Physical Risk Solutions 5) Hanvard-Sanad Security and 6) Interpid

Security Management.[91] The Government is also taking on Assaye Risk as the supervisory agency for the tendering process.

Potential avenues for conflict

134. The Monitoring Group has noted in its previous report (S/2013/413) that legal and constitutional discrepancies in respect of oil licensing throughout Somalia could fuel conflicts between the FGS and regional authorities, and between regional authorities themselves.

135. In its report (S/2013/413), the Monitoring Group made reference to a number of contested oil licenses between regional authorities, and between regional authorities and the FGS. In this context, the deployment of an Oil Protection Unit may increase a risk of political fallout over certain licenses. In the short term, seismic work is likely to focus in areas that are less controversial, but over the long term, it is possible that activities will extend into more controversial areas, such as the DNO license, contested by Puntland and Mogadishu. Khatumo, a *Dhulbahante* clan-based political organization which claims sovereignty over parts of Sool province, also openly challenges the legitimacy of DNO's license with Somaliland. In mid-August 2014, DNO reported shots fired in the vicinity of one its survey teams in Sooi.[92]

136. The Monitoring Group has observed ongoing military developments in the Sool region, which is contested by Somaliland and Puntland and which is also the heartland of the Khatumo movement. Any further escalation of tensions in this region risks instigating a more serious conflict (see annex 3.1 for more on threats to peace and security in Sool region).

137. The Monitoring Group has attempted to engage with the Somaliland Interior Minister and Director of Intelligence on developments in the Sool region, but has received no concrete reporting on the crisis in Sool from the Somaliland authorities. This has made it impossible to assess whether Somaliland's own analysis of events in Sool match those of the Monitoring Group, or whether Somaliland would be ready to use the Oil Protection Unit in a judicious and controlled manner in Sool. Such concerns are even more acute given the Oil Protection Unit has no specific regulations enshrined in national law that would govern the use and deployment of force.

Observations and recommendations

138. The Monitoring Group has strongly recommended to the Somaliland authorities that it complies and acts in accordance with Security Council provisions, namely paragraph 11 (a) or resolution 2111 (2013). The Monitoring Group has advised the authorities of Somaliland not to attempt to import any weapons or training without the Committee's consent. Moreover, without the Committee's advance approval, it is unlikely that the commercial or non-commercial investors would front the necessary funding for the Oil Protection Unit, unless they were prepared to do so in violation the arms embargo on Somalia.

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[91] E-mail from Ministry of Interior official on 23 July 2014.

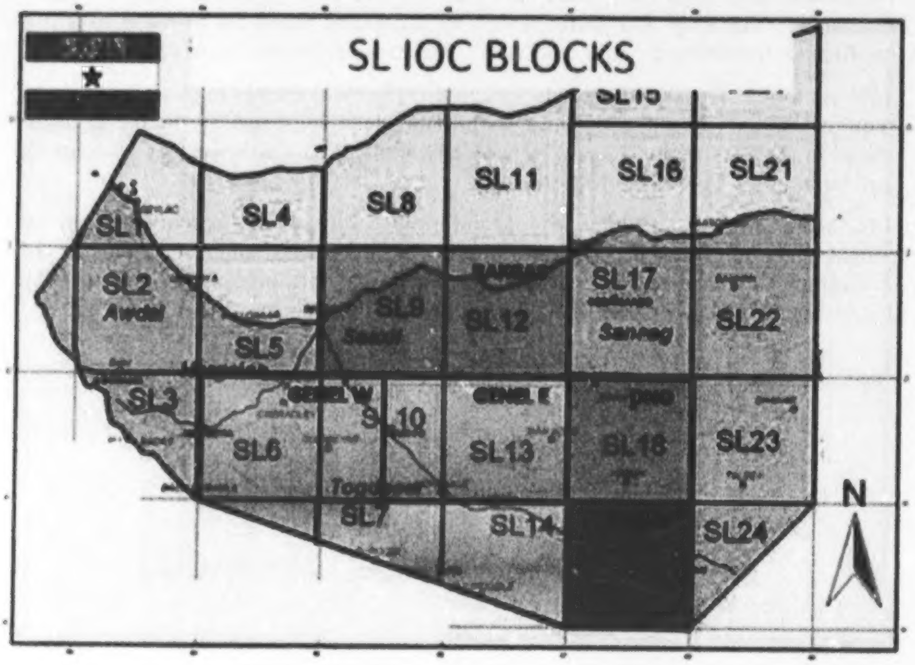
[92] http://online.wsj.com/articles/norways-dno-says-shots-fired-near-somaliland-team-1407949094.

139. Deteriorating security conditions in Somaliland, as claimed by Genel Energy or in respect of Sool region, provide reasonable grounds for seeking to deploy a mechanism such as an Oil Protection Unit. However, an Oil Protection Unit must be regulated, transparent and accompanied by mitigating measures in order to avoid conflicts of interest that could otherwise stoke political opposition or clan tensions.

140. As a first step, the Monitoring Group thereby recommends to the Committee to request the Somaliland authorities to provide detailed reporting on the security issues in the Sool region in parallel with any application for the import of weapons and training for any Oil Protection Unit.

141. More broadly speaking, the Monitoring Group would recommend to the Somaliland authorities to define more precisely the terms of engagement for an Oil Protection Unit, and to seek parliamentary approval to minimize the risk that the Unit be perceived as a paramilitary force operated by a narrow elite in Hargeisa.

Annex 6.7.a: Map of Somaliland oil concessions and table of operating companies


SL IOC BLOCKS
SL15
SL1
SL4
SL8
SL11
SL16
SL21
SL2
Awdal
RAKGAS
SL9
Saaxil
SL12
SL17
Sanaag
SL22
SL5
SL3
GENEL W
SL10
GENEL E
DNO
SL6
SL13
SL18
SL23
Togdheer
SL7
SL14
SL24
N

IOC	Block	Share	Progress
RAKGAS UAE	9 & 12	RAKGAS 75% Ophir Energy 25%	Environmental Impact Assessment (EIA) complete.
GENEL East UK/Turkey	10B & 13	Genel 75% E Africa Resources Group 25%	EIA complete. Electromagnetic survey complete. Line survey part complete.
GENEL West Odeweyne UK/Turkey	6, 7W & 10A	Genel 50% Sterling Energy 40% Petrosoma 10%	EIA complete. Electromagnetic survey complete.
DNO Norway	18	DNO 100%	EIA planned for March 2014
ANSAN Wikifs Yemen/Dubai	7E, 14 & 19		

Annex 6.8: Delivery of military type vehicles and weapons to Jubaland

142. The Monitoring Group obtained information that the Interim Jubba Administration (IJA) used revenue from the charcoal trade to purchase 40 Toyota 4WD Pick-Up Land Cruisers in Dubai, United Arab Emirate (UAE) and transformed them into combat vehicles equipped with DShK (Dushka) 12/76 (50 cal) heavy anti-aircraft machine guns.[93]

143. The first shipment of 10 Pick-Up Land Cruisers (known in Somalia as "Abdi Bile") was off-loaded in Kismayo on 10 April 2014 (see photographs in annex 6.8.a). Another 30 Land Cruisers imported from Dubai were off-loaded in Kismayo Port on 16 June 2014 (see photographs in annex 6.8.b). The Land Cruisers were parked at the "Presidential Palace" in Kismayo, where they were later repainted in camouflage colors (see photographs in annex 6.8.c).

144. The procurement and import of the vehicles from Dubai are believed to have been handled by Ali Naaji (Arabta/Mahamuud/Salah), who has businesses in both Kismayo and Dubai and is also known as one of the key Al-Shabaab-affiliated charcoal traders (see charcoal annex 9.2),[94] in addition to the Kismayo port manager, Abdullahi Dubad Shil "Hadun" (Absame/Abdalla/Tolamoge) (see his photograph in annex 6.8.d), and the deputy port manager, Yusuf Gamadid (Absame/Abdalla). The Monitoring Group has not been able to obtain exact information about who and where the vehicles were purchased from other than that the shipments originated in Dubai.

145. According to information provided to the Monitoring Group, part of the procurement of the 40 Land Cruisers was funded by the customs revenue from charcoal exports at Kismayo, while another part was covered by the Jubaland Chamber of Commerce (JCC), whose chairman is a Somali businessman based in Nairobi known as Haji Yassin.[95] Ali Naaji is believed to have financed and facilitated the logistical support for the shipments, while Hadun provided funding from the customs fees imposed on charcoal imports (see charcoal annex 9.1).

146. In addition to the 40 Toyota 4WD Pick-Up trucks, the Monitoring Group received information that the IJA had received approximately 3000 light arms (AK-47s and pistols), 30 artillery-type weapons, most of them DShKs, military uniforms and communication equipment, reportedly from sources in Ethiopia. While uncorroborated, information suggests that the shipment of these arms and equipment from Ethiopia were facilitated by Ali Abdi Raghe, who is the advisor on political

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[93] Information obtained from three separate local and reliable confidential sources between April and July 2014.

[94] Despite Ali Naaji's affiliation with Al-Shabaab, he has also maintained relations with whichever armed group controls the port of Kismayo, including currently the IJA, for the sake of facilitating trade interests. Indeed, Ali Naaji is an old ally of IJA President, Ahmed Madobe, and has reportedly been providing civilian vehicles and other smaller cars for local politicians, elders, and ministers in Jubaland. Historical affiliations and common business interests, particularly in the charcoal trade, explain seemingly contradictory relations between elements of the IJA and Al-Shabaab, who cooperate in business, compete in business and may or may oppose each other politically.

[95] The JCC was also partially financing the "Jubbaland" conferences in 2013 and is comprised of Ogaden-clan businessmen in Somalia and from the diaspora.

and economic affairs to IJA President, Ahmed Madobe.[96] Information corroborated by photographs indicate that at least 15 of the Toyota 4WD Pick-Up Land Cruisers have been equipped with DShKs and thus turned into "technicals" (a Somali term for this type of combat vehicle) (see photographs in annex 6.8.e). Furthermore, on 6 July 2014, the IJA with assistance from the Kenya Defence Forces (KDF) concluded training of 400 new Ras Kamboni Brigade (RKB) soldiers in Dhobley, distributed uniforms, arms and 15 of the new camouflage-colored Land Cruiser "technicals" (see photographs in annex 6.8.e). The IJA has also established a training camp in Dhobley, with assistance from the KDF. There is an ongoing mobilization and registration of new trainees from the different sub-clans living in Afmadow and Dhobley.

147. The objective of the acquisition of the "technicals" and the training of the new soldiers is ostensibly to strengthen the military power of the IJA/RKB in preparation for an offensive against elements of Al-Shabaab in the areas they still control in the Lower and Middle Jubba Regions, as well as the militias of Barre Hirale (Marehan). Regardless, the import of the vehicles and weapons were not notified to the Committee and constitute a violation of the arms embargo.

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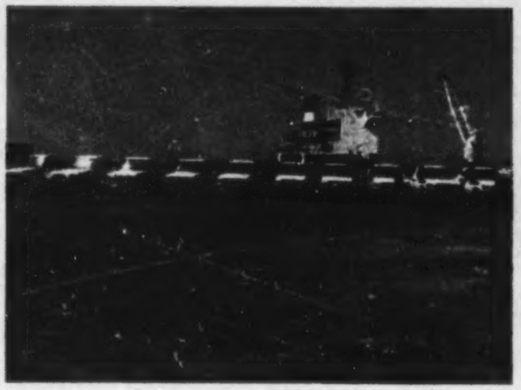
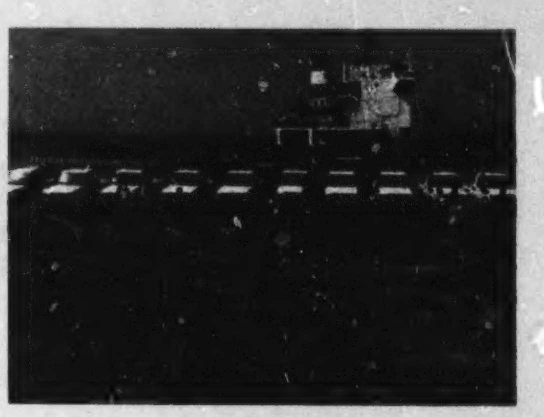
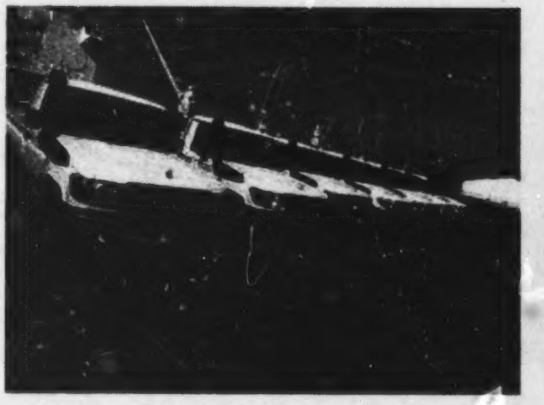
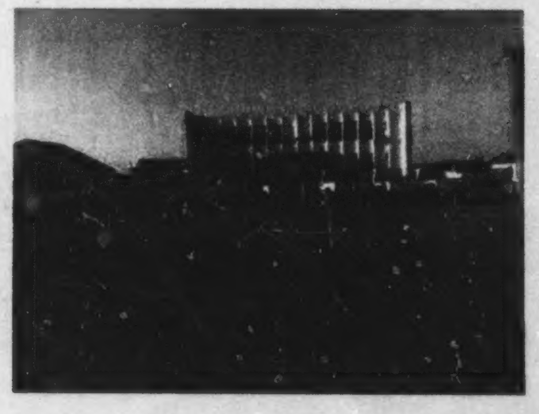
[96] Ali Abdi Raghe was previously named by the Monitoring Group (S/2013/413, annex 7.2) in his capacity as executive director of the African Rescue Committee (AFREC) and in the context of the diversion of donor funds.

Annex 6.8.a: 10 April 2014 shipment of 10 Pick-Up Land Cruisers off-loaded in Kismayo Port

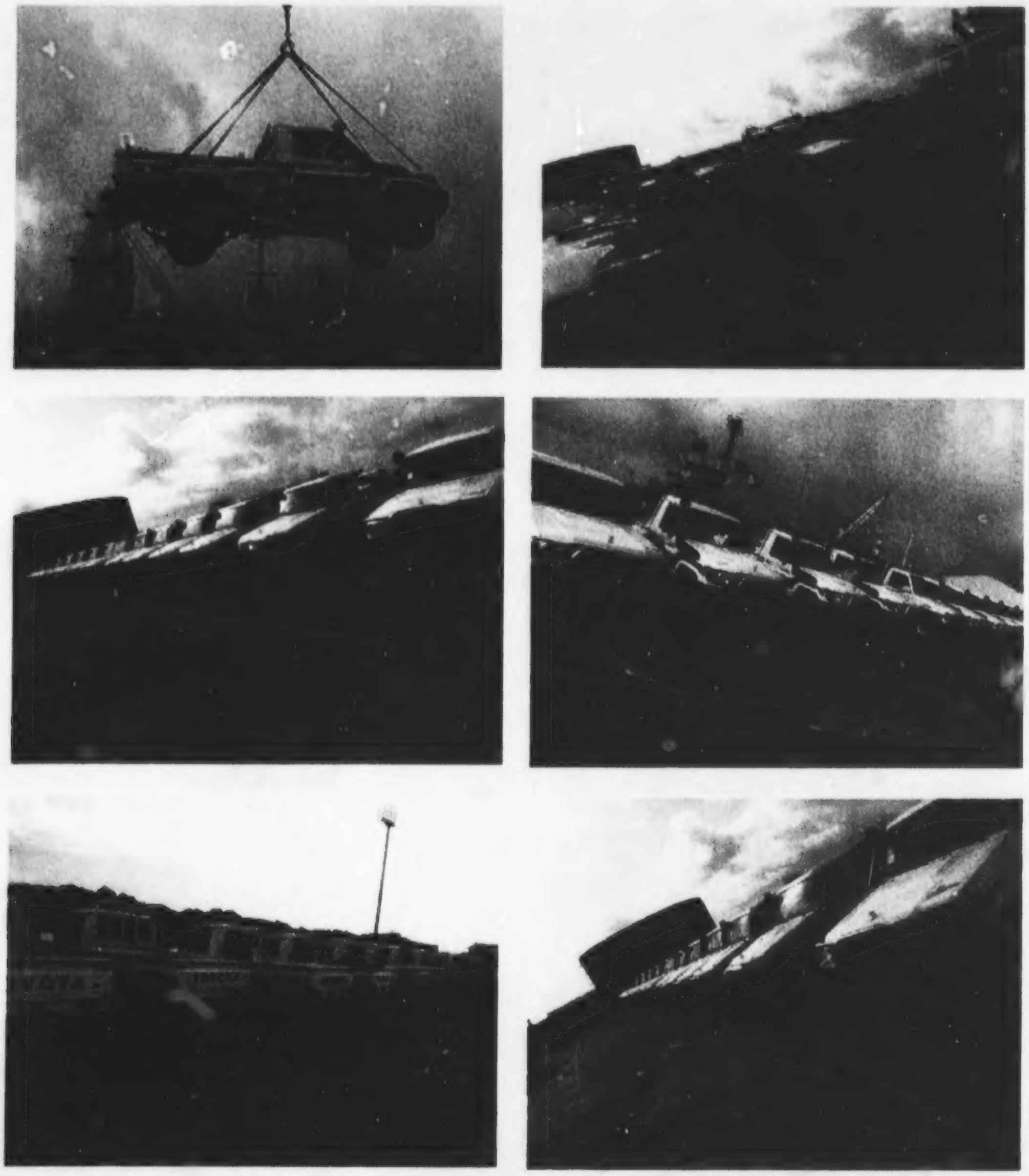








Annex 6.8.b: 16 June 2014 shipment of 30 Pick-Up Land Cruisers off-loaded in Kismayo Port

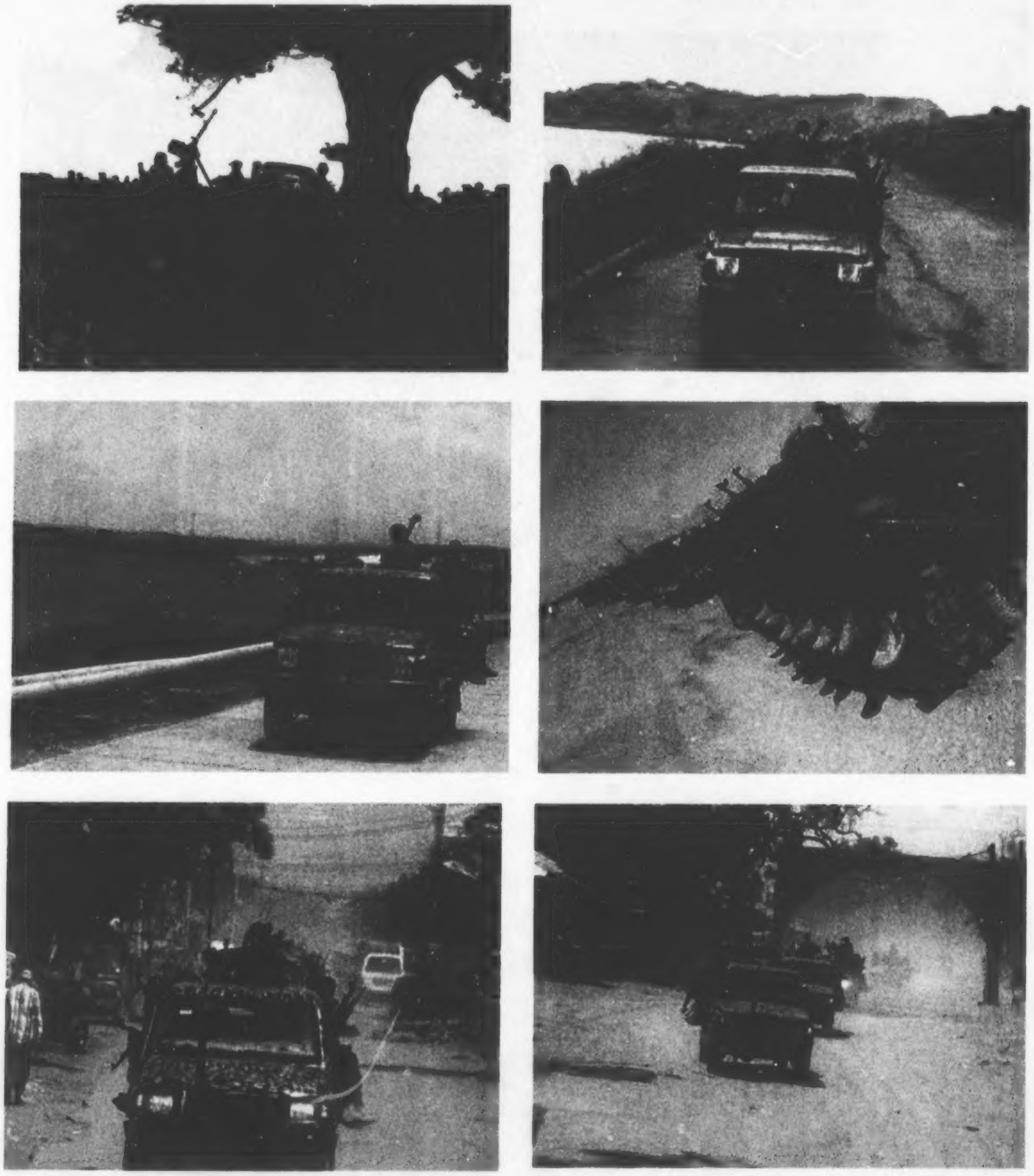


Annex 6.8.c: Land Cruisers parked at the Presidential Palace, Kismayo, and repainted in camouflage colours

Annex 6.8.d: Photograph of Kismayo port manager, Abdullahi Dubad Shil "Hadun"

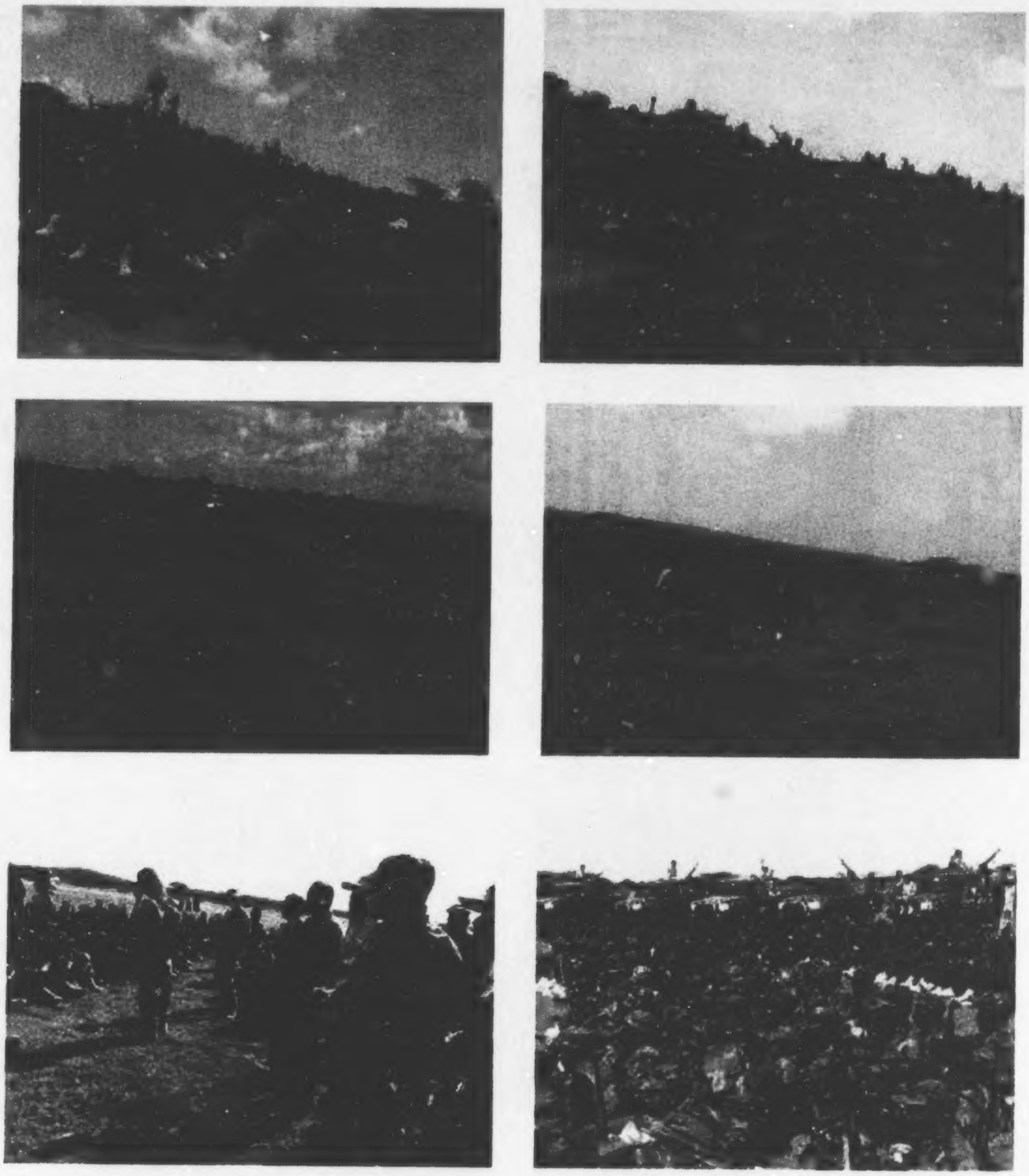
Abdullahi Dubad Shil "Hadun"

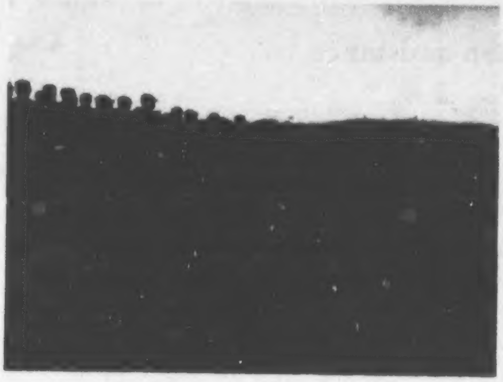
Annex 6.8.e: Completed "technical's" equipped with DShK heavy anti-aircraft machine guns and the ceremony of newly trained recruits



In convoy through the charcoal stockpile areas of Kismayo

With newly trained Ras Kamboni Recruits, including Ahmed Madobe, at a training graduation ceremony





Annex 7

Obstruction of humanitarian assistance

Annex 7.1: Denial of access

Al-Shabaab

1. In areas under Al-Shabaab's control United Nations agencies and most international non-governmental organisations (INGOs) were banned from operating. Very few local humanitarian organisations were permitted to function. Although humanitarian inputs functioned as a resource for Al-Shabaab, they were also viewed as political currency for undermining the self-reliance of populations and as a tool of propaganda for the 'enemy.' Therefore, Al-Shabaab had a high degree of paranoia relating to humanitarian activities, including variations in personnel and types of inputs. Negotiations for access became particularly difficult at times during 2013 as the organisation evolved internally and Al-Shabaab lines of authority became blurred.[1]

2. Denial and provision of access to humanitarian assistance was often used by Al-Shabaab as a form of control of the population. In Middle Jubba, for example, Al-Shabaab severely restricted access to medical care in a variety of ways, including holding family members hostage in exchange for granting permission to travel for medical care outside its area of operation. One credible local source reported that between December 2013 and January 2014 approximately 11 young "girls" from the Bantu community died during child delivery in Al-Shabaab held areas in Lower and Middle Jubba due to this obstruction, although the Monitoring Group was not able to independently verify this report.[2] Al-Shabaab officials also regularly destroyed medication or supplementary food supplies given by humanitarian agencies, for example, to women post partum, upon arrival back into its territory. In advance of the SNA/AMISOM offensive in March 2014, a number of medical clinics were also closed down by Al-Shabaab.[3] It is understood that the organisation feared entry points for intelligence gathering by the enemy.[4]

3. In January 2014, there were concerns that the mobile internet ban introduced by Al-Shabaab would complicate communication with staff and security for those NGOs without VSAT or other forms of telecommunications.[5] In a number of locations smart phones were also confiscated by the group.[6] Ultimately, however, the humanitarian community adapted to these restrictions and the impact was mostly mitigated.[7] The ban on mobile internet continues.

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[1] Phone interview with United Nations staff member, Mogadishu, 8 August 2014. The build up towards the March 2014 offensive, however, provided an opportunity for Al-Shabaab to regroup.

[2] Interview with Somali human rights activist, Nairobi, 14 April 2014.

[3] Interview with INGO staff member, Nairobi, 13 February 2014.

[4] Interviews with INGO staff members, Nairobi. February and March 2014.

[5] See, inter alia, Reporters without borders, "Al Shabaab bans internet in areas it controls", 9 January 2014; see also, Shabelle News, "Some aid groups affected by mobile internet shutdown in Somalia," 18 February 2014.

[6] Smart phones, including their GPS coordinates and photographic capabilities, are increasingly being used as monitoring tools, including as a result of the remote management policies necessitated by operations in Al-Shabaab areas.

[7] Interview with humanitarian INGO staff member, Nairobi, 31 July 2014; phone interview with United Nations staff member, Mogadishu, 8 August 2014.

The impact of the SNA/AMISOM offensive against Al-Shabaab

4. The humanitarian community was able to re-engage during 2013 in places outside of direct Al-Shabaab control, including towns such as Afmadow, Baidoa, Jowhar, Kismayo and Marka. The joint SNA/AMISOM offensive later in March/April 2014 added nine towns and nearby territory in Bakool, Galgadud, Gedo, Hiran, Middle Shabelle, and Lower Shabelle to that list. At the same time, FGS authority remained contingent in many areas with Al-Shabaab still managing to retain some form of local presence, the resulting opacity complicating humanitarian access. In one instance described to the Monitoring Group, for example, an NGO staff member in an ostensibly FGS-controlled area was unable to provide information on harvest yields without first getting permission from a local Al-Shabaab representative.

5. The SNA/AMISOM offensive in the six regions, although creating new opportunities in the long term for provision of sustained support to communities, added to the difficulties facing humanitarian actors in a number of ways. Al-Shabaab generally tactically withdrew in advance of the allied assault. It subsequently laid siege to its former territories, preventing movement of people and supplies whether by humanitarian agencies or commercial entities. In many of the recovered locations, road transportation was the only reasonable logistics option. The few available helicopters could only move small volumes and airplane access was costly and unsustainable. In addition, transporters which had previously been able to operate were unwilling to accept contracts for supply to 'liberated' towns due to the virulence of Al-Shabaab's blockade.[8]

6. As a result, access was severely restricted to to Maaxas, Bulo Burto, Waajid, Warsheikh and Ceel Bur. Maaxas, for example, came under the control of the FGS and its allies in late March 2014, but by late May 2014 Al-Shabaab still maintained control of the southern side of the town and the critical supply route from Mogadishu.[9] Embargoes were violently enforced. In one incident in May 2014, a civilian donkey cart owner was killed in Falan Faay village, reportedly on suspicion of attempting to transport goods to Hurdur.[10] Later, in June 2014, Ethiopian troops escorting a Turkish-donated food convoy came under fire on their way to Hudur but managed to repulse the attack.[11] In June 2014, Al-Shabaab was still attempting to enforce its blockade on Qoryooley, reportedly ambushing a civilian vehicle travelling to the town from Mogadishu, killing two passengers and wounding three.[12] In July 2014, four donkey cart divers transporting food to Waajid were detained and arrested and their food burned.[13]

7. The actions of Al-Shabaab to block movements by road added greatly to the already fragile food security of 'newly recovered' areas. In June 2014, United

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[8] Interviews with United Nations staff member, Nairobi, 1 July 2014; and United Nations staff member, Mogadishu, 8 August 2014.

[9] As a result, food had to be sourced from Bosasso driving up prices by between 70 percent and 163 percent on different items. See, Inter Agency mission report, Maaxas, Hiraan, 28 May 2014.

[10] E-mail, reliable NGO source, 8 May, 2014.

[11] E-mail, reliable NGO source with knowledge of the area, 17 June 2014. The consignment eventually arrived, Raxanreeb, "Despite challenges, emergency relief continues where possible in Somalia", 28 July, 2014.

[12] Dhacdo, "Al-Shabab fighters opened fire on mini bus killing two civilians" (translation from Somali), 16 June 2014, Available at http://dhacdo.com/main/news.php?readmore=22244.

[13] E-mail, reliable NGO source with knowledge of the security situation, 17 July 2014.

Nations Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator described how "the average price[s] of basic items in Waajid, Xudur and Maaxas in Bay, Bakool and Hiraan regions, ha[d] more than doubled".[14] In May 2014, even after clearance of Al-Shabaab checkpoints in a radius of between 15 to 40 kilometers around Waajid town, for example, elders told the United Nations that cereal supplies still had to be smuggled into the town by donkey cart. The prices of sugar and rice had tripled.[15] These blockades not only disrupted supplies to their intended target but affected onward movements of goods. Destabilisation of routes in and out of Buloburte and Jalalaqsi, for example, had an impact on supply lines between South-Central and northeastern Somalia more broadly.

8. The impact of Al-Shabaab's obstruction of humanitarian assistance was felt not just in terms of its siege of recovered areas. At the end of phase 1 of the SNA/AMISOM offensive, the former predictability and consistency of Al-Shabaab's mode of territorial control had given way to a chaotic situation in which often there was no clear power structure. Implementation of some humanitarian projects in areas no longer under Al-Shabaab control had to be abandoned as a result of either a vaccum of authority, or where Al-Shaabab had been pushed into new areas.[16] Even in places which had been under FGS influence since 2013 there continued to be great fluidity of authority. In Baidoa in Bay, and Dhuusamareeb in Galgadud, for example, different authorities, reflective of both local and federal power-holders and rival administrations, jockeyed for power. The resulting confusion forced a number of humanitarian projects to close. Even in Mogadishu, Government control remained in flux with not all districts firmly under FGS control both by day and by night.[17]

9. Both Al-Shabaab's policies restricting freedom of movement, and the impact of the conflict itself, affected planting, harvesting and other essential livelihood strategies.[18] On 7 July 2014, FAO's Food Security and Nutrition Analysis Unit for Somalia (FSNAU) issued an early warning food security alert for various parts of Somalia, citing among other issues "shrinking humanitarian assistance and access" relating to the impact of the offensive. On 10 August 2014, the United Nations Humanitarian and Resident Coordinator for Somalia reported that he had "appealed" to AMISOM and the FGS to attend to supply routes as phase II of the SNA/AMISOM offensive got under way.[19] In mid August 2014, as an emergency

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[14] Statement of Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, Security Council briefing on the humanitarian situation in Somalia, 4 June 2014.

[15] United Nations Inter-agency mission report, Waajid, 27 May 2014, on file with the Monitoring Group; See also Radio Ergo, "Food prices rise in Gedo region", 16 April, 2014, extracted in AMISOM daily media monitoring report. Available at http://www.unsom.org/2014/04/16/april-16-2014-daily-monitoring-report/.

[16] Phone interviews with INGO humanitarian staff member, 19 July 2014; INGO humanitarian staff member, 1 August 2014; and INGO staff member, 27 July 2014. Due to the sensitivity of the situation on the ground it is not possible to publicly provide details of these cases.

[17] Skype interview with former INGO humanitarian staff member, 20 March 2014.

[18] In its analysis of the deteriorating food security situation in Somalia, FAO/FSAU identified in July 2014 that environmental factors such as the delayed and reduced rains had been exacerbated, inter alia, by the interruption of the planting season in six regions affected by the offensive. See FAO/FSNAU, Early Warning Alert: Food Security worsens as Drought looms in Somalia — Emergency unfolding among Mogadishu IDPs, 7 July 2014.

[19] Reuters, "Somali donors must act now to avoid famine catastrophe," 10 August 2014.

measure, the World Food Programme (WFP) commenced daily humanitarian flights to the main towns subjected to blockade.[20]

Government entities

10. The extension of formally recognised administrations into new areas in the last year, including the consolidation of central Government, was accompanied by a variety of initiatives to coordinate, regulate and tax the humanitarian sector. As part of this, Government entities used a variety of tactics to control and/or benefit from the presence of humanitarian projects. Some of these went beyond what was appropriate regulation and amounted, in some circumstances, to obstruction of humanitarian access, whether in terms of undermining the timeliness, effectiveness, reach and feasibility of operations, or as a form of diversion of aid.

11. These practices included: imposition of multiple registration 'requirements'; efforts to restrict and control contracting, procurement, and staffing and partner decisions; and opportunistic and unpredictable 'taxation'. In her June 2014 briefing to the Security Council, the Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, recognised the challenge: "[u]npredictable bureaucratic impediments imposed by local and regional administrations, including arbitrary taxation, payment of registration fees, and the need for aid agencies to seek approval for recruitment of staff, renting of premises and choice of national partners often inhibit the ability of agencies to access people in need."[21] These practices also tended to prevent the development of predicable and appropriate regulation of the humanitarian function. Furthermore, the time and effort which humanitarian organisations had to spend in many instances on defending their staff safety, resources and space for independent, impartial and neutral action, was significant. As one INGO staff member commented, it was often. "more difficult now with the 'government' than it was negotiating and operating under Al-Shabaab authority."[22]

12. Although the phenomena experienced were themselves not new, the multiplication and consolidation of formal state structures, at federal, regional and district level, created new layers of opportunity for, and legitimisation of, obstruction. Indeed, in many places old monopolies of power and control were simply transformed onto a new plane, bolstered by state-bestowed legitimacy and deployment of state assets. In this regard, powers of arrest, detention and in some cases, expulsion from the area of control, were misused to pressure humanitarian staff to comply with demands.[23]

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[20] Phone interview with WFP staff member, 21 August 2014.

[21] Statement of Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, Security Council briefing on the humanitarian situation in Somalia, 4 June 2014.

[22] Interview with humanitarian INGO staff member, Nairobi, 20 March 2014.

[23] The situation in Puntland is described below in strictly confidential annex 7.2. In South Central Somalia, for example, it was reported in February 2014 that two NGO staff were arrested in Kismayo in connection with a dispute over the coordination of food vouchers distribution. E-mail, reliable NGO source with knowledge of the security situation, 15 February 2014. In January 2014 in Mogadishu, police reportedly arrested and held 5 NGO staff members for a number of hours on the basis that they had no permission from the relevant District Commissioner to work. E-mail, reliable NGO source, 27 January 2014.

13. Efforts to enforce 'registration' of NGOs and charge access fees constituted the most pervasive means of 'formalised' obstruction. First, the FGS authorities required NGOs to register yearly on payment of USD 1000 (INGOs) or USD 500 (local NGOs).[24] Second, unpredictable layers of registration and fee 'requirements' at regional, and even at district level, mushroomed across the country. These demands made operations difficult as the various local authorities purported to have the power to halt the work of the NGO if payments were not met. It also complicated assessing compliance and preparing budgets.[25] A snapshot of the registration related challenges NGOs faced in five areas in South-Central Somalia is as follows:

- In Beletweyne in August 2013 the then Governor issued a letter to NGOs declaring that not only did NGOs have to register with the regional administration, projects were to be jointly developed prior to fundraising, approved budges shared, and implementation and monitoring strategies jointly developed.[26] A deadline for payment of a registration fee, reportedly of USD 3000, was imposed with threat of suspension of operations.[27] On 15 January 2014, however, it was reported that the administration had announced that it would begin to collect taxes in order to assist with the running of the administration and to pay SNA salaries.

- On 11 May 2014, the Galmadug Minister of Planning and International Cooperation issued a letter directing all INGOs working in Glamadug state to register themselves with his office within 48 hours with fees of USD 1000.[28]

- In Baidoa, a decree by the Governor on 17 May 2013 established the Centre for Humanitarian Assistance and Disaster Management, later renamed as the Agency for Non State Actors Coordination (ANSAC).[29] At a meeting in October 2013, the Governor declared that ANSAC had the power to "question, suspend temporally or blacklist NGOs".[30] A 15 January 2014 deadline for all NGOs to register and pay a fee or face inability to operate in the area was later announced.

- In Middle Shabelle on 21 May 2014, a letter from the regional administration demanded payment of an 11 percent tax of the value of projects.[31]

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[24] While United Nations agencies insisted that partners were registered with the federal authorities, Al-Shabaab saw registration as an unacceptable expression of Government allegiance. NGOs attempting to operate across the conflict frontlines had to carefully navigate to maintain their staff safety, let alone effective operations. Interview with humanitarian INGO staff member, Nairobi, 25 July 2014.

[25] It was not always clear, for example, to what extent donors would permit charging of such fees to project costs. ECHO, for example, generally does not cover the payment of registration fees, unless they can be categorised as direct project costs specific to the action, whether at federal or regional level. E-mail, EU Humanitarian Aid and Civilian Protection Department (ECHO), 1 August 2014.

[26] Letter on file with the Monitoring Group.

[27] Interview with United Nations staff member, Mogadishu, 24 November 2013.

[28] E-mail, reliable INGO source with knowledge of NGO registration challenges, 28 July 2014.

[29] Abdi Adam Hoosow, Governor of Bay Regional Administration of the FGS, Governor Decree, 17 May 2013, on file with the Monitoring Group.

[30] Meeting minutes, ANSAC meeting 28 October 2013, on file with the Monitoring Group.

[31] Letter on file with the Monitoring Group.

- In Luq in Geddo, it was reported in December 2013 that the local district authority had requested USD 4000 from local NGOs in order to assist in the payment of *diya* resulting from losses in local inter-clan clashes.[32] There were also reports that staff had been arrested and vehicles held in order to pressure NGOs to consent to the payment.[33]

14. Although the new sites of governance presented opportunities for obstruction, at the same time they provided channels for resolution. In the majority of situations it was possible for the humanitarian community to eventually negotiate suspension of these fiats. In Middle Shabelle, for example, intervention by OCHA and NGOs in respect of the project budget tax resulted in an e-mail confirmation from the Deputy Governor that the administration did not "intend to impose tax to any NGO's currently working in our region."[34] Fluidity of authority and roles underlay much of the mixed messaging and confusion. In some of the incidents noted above, for example, the authorities retreated from their position by explaining that the official who issued the demand in fact had no authority to do so. The 'directives' were, however, rarely rescinded completely and there was always the concern that they could resurface at will. Due to the sensitivity of the issue it was difficult to ascertain to what extent humanitarian resources were successfully captured.

15. The FGS position on regional registration was that NGOs should 'register' with the local authority but not be required to pay additional fees. In mid 2014, the FGS Ministry of Interior, through the Aid Coordination Unit, agreed to appoint focal points in each region to help smooth out some of the problems being encountered by humanitarian organisations.[35] By mid August 2014, focal points had been appointed for Lower and Middle Shabelle respectively and the remainder were expected to be in place by the end of August 2014.[36]

United Nations rules, regulations and practices and the Convention on the Privileges and Immunities of the United Nations

16. With respect to United Nations' humanitarian engagement, federal and regional authorities in all three areas of South Central Somalia, Puntland and Somaliland, to different extents, flouted United Nations rules, regulations and practices and the Convention on the Privileges and Immunities of the United Nations. This resulted in some cases in disruption of, or additional cost to, humanitarian operations. Some of these challenges stemmed from the struggle around assertion of central and regional 'sovereign' control over key assets, such as airspace and customs duties. In Somaliland, for example, United Nations humanitarian flights were suspended between 15 May and 16 July 2013.[37] In South

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[32] E-mail, United Nations staff member, 18 December 2014.

[33] Interviews with United Nations staff members, Mogadishu, 19 January 2014; and United Nations staff member, Mogadishu, 8 February 2014.

[34] E-mail on file with the Monitoring Group.

[35] In June 2014, it was announced that the Aid Coordination Unit would be housed at the Ministry of Finance. See Letter from the Prime Minister Abdiwelli Sheikh Ahmed to the SRSG and RC/HC, 17 June 2014, on file with the Monitoring Group. The FGS has committed to developing an NGO law although the process of consultation has not yet begun.

[36] Phone interview with United Nations staff member, Mogadishu, 9 August 2014.

[37] Most humanitarian sources indicated, however, that although the suspension added to the difficultly of operations in general terms it did not have a serious impact on humanitarian access as alternative measures were implemented. See, for example, interview with United Nations staff member, Hargeisa, 8 January 2014.

Central Somalia, the FGS on at least two occasions demanded payment of customs fees for exempt imports resulting in temporary back up of supplies at Mogadishu port.[38]

The situation in Puntland and Somaliland

17. The situation under the Somaliland administration presented the least obstructive environment overall for humanitarian operations.[39] It was not, however, free from the practices observed elsewhere. Inappropriate pressure on national and international NGO and United Nations staff by Government officials to influence staffing, projects and decisions was experienced, with resulting project disruption and, occasionally, suspension.[40]

18. The situation in Puntland on the other hand illustrated many of the obstructive official practices encountered elsewhere in concentrated form, encompassing actions which amounted to diversion, or attempts to divert humanitarian assets, denial of humanitarian access and threats to humanitarian workers — in addition to corruption. An overview of these systematic practices is set out in strictly confidential annex 7.2.

19. The stand-off between the administrations of Puntland and Somaliland regarding from which "side" humanitarian supplies reached their territories had an impact on humanitarian access. On 5 July 2014, for example, the Puntland Minister for Finance addressed a letter to "all UN agencies [and] international NGOs" announcing that "humanitarian goods and other items coming from Somaliland by road" would not be accepted and that the Government would no longer grant tax exemptions to items coming via Somaliland. Insecurity in the region was cited as the reason for the ban.[41] As humanitarian agencies determined how to work around the decision, there were significant challenges created to the movement of aid destined for Puntland and those parts of South Central Somalia accessible only through Galkayo.[42] For more details on the impact of this obstruction, and other forms of obstruction of humanitarian access in Puntland, see confidential annex 7.2.

Security institutions and humanitarian obstruction

20. Within a fragmenting security and political environment, security threats, assessments and mitigating measures themselves — intended to be facilitative of

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[38] Agreement between the United Nations and the Government of the Federal Republic of Somalia concerning the status of the United Nations Assistance Mission in Somalia, 26 February 2014, on file with the Monitoring Group.

[39] In Somaliland NGOs are regulated by the NGO Law Act No. 43/2010 and the By Laws for Completion and Clarification of the NGO Law (Act No: 43/2010). A Letter of Agreement is entered into yearly with the Ministry for National Planning and Development (MNPD). Income tax for both local and international staff (since June 2014) is paid. In Somaliland NGOs and United Nations agencies participated actively provding input to, and review of, the NGO Act. Interviews with NGO and United Nations staff members, Hargeisa 7 and 8 January 2014; and humanitarian INGO staff member, Nairobi, 25 July 2014.

[40] Interviews with NGO staff member, Nairobi, 3 January and 25 July 2014; NGO staff member, Nairobi, 28 July 2014; and United Nations staff, January 2014.

[41] Letter on file with the Monitoring Group.

[42] Letter to the United Nations Resident and Humanitarian Coordinator for Somalia from the Minister of Finance, Puntland State of Somalia, 5 August 2014, on file with the Monitoring Group.

humanitarian access — sometimes became tools of control and obstruction or were manipulated for political or financial ends. Security incidents were even themselves created 'to design' in some instances in order to impact decisions relating to humanitarian access.[43] Lack of capacity, corruption, and poor support of security forces assigned to protect humanitarian operations complicated the job of safeguarding humanitarian workers and impeded access in some cases. Confidential annex 7.3 describes some of the challenges experienced in the operation of the Special Protection Units (SPUs) which were created to maintain the security of international actors in Puntland and Somaliland, and particularly, to facilitate humanitarian operations.

21. In December 2013, draft Somalia Country Specific Humanitarian Civil-Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM) (Civ-Mil Guidelines) were developed.[44] The Guidelines reflected the humanitarian community's perspective on civilian military engagement with AMISOM and aimed to "to establish and promote principles and practice for constructive and effective civil-military engagement in this context." Unfortunately the Civ-Mil Guidelines were not finalised in time to be implemented during the first phase of the joint SNA/AMISOM offensive against Al-Shabaab. As insecurity worsened in the aftermath of the SNA/AMISOM offensive, military accompaniment of convoys became ever more necessary. A revised version of the Civ-Mil Guidelines was negotiated in late July 2014 and finally adopted in September 2014.

22. The lack of Civ-Mil Guidelines and clear framework for engagement between the humanitarian community and international forces in Somalia was highlighted by a situation which arose in December 2013 and remained unresolved until July 2014. In December 2013, elements of the Ethiopian National Defence Forces (ENDF) seized three consignments of humanitarian supplies in Somalia, and held them in various locations in Somalia and Ethiopia for over six months. The basis for the seizure was described as concern about the capacity of the transporters to negotiate passage — or, in the case of one consignment, how the transporters had *already* negotiated passage — from Yeed in Bakol, through Al-Shabaab-held territory, to locations in Belet Weyne, Bossaso and Hargeisa. As a result of this security determination, the trucks were impounded and cargo and vehicles subsequently removed across the border into Ethiopian territory. They were not released until July 2014. Implementation of the Civ-Mil Guidelines would assist in avoiding, and providing a channel for more efficiently resolving, such scenarios in the future. For the emerging details of this case see confidential annex 7.4.

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[43] Interviews with UN staff member, Nairobi, June 2014 and 30 July 2014; INGO staff member, Nairobi, 20 February 2014.

[44] Draft on file with the Monitoring Group. The Guidelines are non-binding and reflect international policy guidance developed for the humanitarian community globally.

Annex 7.2: Selected practices constituting humanitarian obstruction in Puntland (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 7.3: The operation of the Special Protection Units in Somaliland and the Puntland State of Somalia (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 7.4: Temporary seizure of humanitarian supplies by the Ethiopian National Defence Forces (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 7.5: Attacks on humanitarian aid workers

Attacks by, or attributed to, Al-Shabaab

23. In areas both under and outside its official control, Al-Shabaab remained a potent threat — whether actual or perceived — to humanitarian assistance in Somalia. The largest single attack by Al-Shabaab on humanitarian workers conducted since the Monitoring Group's last report (S/2013/413) was the 19 June 2013 attack against the United Nations common compound in Mogadishu, which resulted in the deaths of at least 20 individuals, including 6 Al-Shabaab fighters. Al-Shabaab launched a complex operation involving a vehicle-borne improvised explosive device (VBIED) detonation, followed by a ground attack inside the compound. In a Twitter statement by the HSM press office claiming responsibility, Al-Shabaab declared that "[t]he UN, a merchant of death & a satanic force of evil, has a long inglorious record of spreading nothing but poverty, dependency & disbelief."[45]

24. On 14 January 2014, Al-Shabaab's Governor for the Banadir Region and spokesperson, Sheik Ali Mohamed Hussein (Sheikh Ali Jabar), declared in a radio statement that Muslims should "stay away from what is called the humanitarian agencies that bring the bad things".[46] He warned that "people should not work for them, people should not go to their offices because they are invaders, they are people fighting against us", whether they are "Turkish, UN agencies or others." The Somali people were told instead that they should "extend their hand to Allah and beg him if they need anything, because it is him who feeds people, it is him who brings diseases and cure".

25. This new threat rhetoric from official Al-Shabaab sources was paralleled by violence directed against United Nations humanitarian workers. On 13 February 2014, a suicide VBIED attacked a United Nations High Commissioner for Refugees (UNHCR) convoy in Mogadishu bordering the Mogadishu International Airport (MIA) compound, killing 5 civilians. Al-Shabaab claimed responsibility for the attack characterising those it targeted as "invaders."[47] On 14 February 2014, Al-Shabaab spokesperson, Sheik Ali Mohamud Raghe ('Ali Dhere'), once again reportedly warned that there would be additional attacks on United Nations agencies: "[t]he UN and other so-called global agencies operating in Somalia must leave the country immediately, if they don't do so, our Mujahideens will continue targeting them."[48]

26. Although not engaged in humanitarian work, two international consultants working for the United Nations Office on Drugs and Crime (UNODC) were assassinated at Galkayo airport on 8 April 2014 by a security officer who worked

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[45] The original Twitter message from HSM is no longer on line. See, alternatively, press statement by Sheikh Ali Mohamud Raghe ('Ali Dhere'), the Official Spokesperson of Al-Shabaab at http://newsomali.com/2013/06/19/dhageyso-ama-daawo-afhayeenka-al-shabaab-oo-ka-hadlaya-qaabkii-kooxdiisa-u-fulisay-weerarkii-lagu-qaaday-xarunta-unka-ee-muqdisho/.

[46] The statement was distributed via Somalimemo and Radio Kulmiye. See original statement (in Somali) posted at http://somalimemo.net/index.php/maqal/7728-sh-cali-jabal-shacabka-muqdisho-markale-waxaan-leenahay-ka-fogaaday-xarumaha-cadawga-bartilmaameed-ayay-noo-yihiin--dhageyso.

[47] AFP, "At least six dead in car bomb attack at Mogadishu airport", 13 February 2014.

[48] Hiiraan Online, "Al Shabab vows more attacks on UN agencies", 15 February 2014.

there. While it did not claim responsibility for the attack, Al-Shabaab immediately issued a statement praising the attack and encouraging other such actions.[49]

27. On 24 May 2014, Al-Shabaab launched a complex attack against the Federal Parliament of Somalia. In its official claim of responsibility Al-Shabaab called for additional attacks, including on the United Nations.[50] This statement reflected the rise in specific threat information that was being received at the time with respect to United Nations operations, including humanitarian operations, not just in South Central Somalia but also in Puntland and Somaliland (see annex 1.4 on Al-Shabaab in Puntland). In mid June 2014, for example, the United Nations temporarily reduced the number of its international staff based in Garowe as a result of a number of hostile surveillance incidents. The placing of armed private security guards within the United Nations compound was later authorised. The first phase deployment of a United Nations Guard Unit to the main compounds of the MIA was completed in June.[51]

28. Despite the more prominent rhetoric by Al-Shabaab against foreigners, it was Somali nationals who bore the brunt of Al-Shabaab's campaign of violence.[52] First, the remote management strategies put in place by humanitarian agencies inadvertently tended to transfer risk to local staff or local partners and contractors as they became the face of the work on the ground. Second, enhanced security measures and restrictions on the movement of international staff increased the vulnerability of those who lived outside the protected zones, but travelled to and from them. Humanitarian workers frequently received threats purporting to be from Al-Shabaab. One NGO operating across both Al-Shabaab and FGS held territory told the Monitoring Group that its "biggest issue" was "harassment from Al-Shabaab". Living with and countering the threats by phone and in person often required continuous negotiation and frequent changes in work patterns.[53] It was also reported that "almost all health staff" experienced harassment by text messages and telephone calls as a result of perceived or actual affiliation with the United Nations and international NGOs.[54]

29. Although the relentless context of threat and harassment was clear, deteriorating security in urban areas and evolving Al-Shabaab operations and alliances meant it was not always possible to verify the identify of the perpetrators of particular attacks against individuals associated with humanitarian operations. In November 2013, a security guard who worked for an INGO was killed in Mogadishu, reportedly by Al-Shabaab fighters. He was shot dead outside his home

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[49] Mareeg, "Al Shabaab admires the soldier who killed two western workers", [informal english translation)", Available at http://www.mareeg.com/alshabaab-oo-bogaadiyey-askarigii-gaalkacyo-ku-dilay-labo-shaqaale-reer-galbeed-ah/.

[50] See audio statement by Sheikh Ali Mohamud Raghe ('Ali Dhere'), the Official Spokesperson of Al-Shabaab, 24 May 2014. The latter statement particularly referenced the United Nations. Available at http://www.risaala.net/view.php?id=20450.

[51] Resolution 2158 (2014) welcomed "the recent deployment of a UN Guard Unit to strengthen security at UNSOM compounds".

[52] As is noted in annex 8.1, Somali nationals associated with the United Nations presence more broadly in Somalia or with AMISOM operations (whether as staff or contractors) were also targeted.

[53] Interview with Somali NGO staff member, 29 April 2014, Mogadishu.

[54] E-mail, United Nations staff member, 19 July 2014.

in Karaan district.[55] There were other killings, however, where clear attribution of responsibility was difficult. In Galkayo in late January 2014, Abdi Mohamed Aden (Abdi Dhere), the head of a local aid organisation National Relief Organization (NRO) was killed by unknown men.[56] Also in January 2014 there was an attempted assassination of a local NGO staff member in Mogadishu.[57] On 25 February 2014 Sharifo Yusuf Mohamed, a woman reportedly working on a vaccination program was shot dead in the course of her duties.[58]

30. From the end of December 2013 when preparations began for a new round of offensive operations against Al-Shabaab, there was a rise[59] in the number of arrests and interrogations of local staff of local organisations, in addition to local contractors for international organisations, in Al-Shabaab-controlled areas, in particular in Bay and Lower and Middle Juba regions. The assumption that humanitarian access might be exploited to gain advantage by parties to the conflict appeared to underpin these actions. Some of those held suffered serious ill-treatment, including injury requiring hospitalisation. As new areas came ostensibly under the influence of the FGS and AMISOM, the threat level sometimes escalated as engagement in those areas was interpreted by Al-Shabaab as support to the expansion of FGS power (see annex 7.1). With the commencement of Ramadan in June 2014, humanitarian agencies prepared for increased dangers.[60] Turkish aid agencies in Mogadishu temporarily suspended their operations in Mogadishu on the basis of higher assessed levels of risk.[61]

Other actors

31. Al-Shabaab and its affiliates were not the only perpetrators of attacks on humanitarian workers. The security situation in Somalia as a whole during the reporting period became more complex with both multiplying grey zones — where who was "in charge" was unclear — and the emergence of new lines of conflict. This added to the number of armed actors with which humanitarian workers had to grapple. One analyst described the situation in early 2014 as one in which, "an increasingly diffuse range of diverse and nascent militant units are operating across the country, reflecting the growing complexity of a security context in which Al-Shabaab may be persistent, but may no longer enjoy primacy."[62]

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[55] E-mail, reliable NGO source, 6 November 2013.

[56] Raxanreeb, "Head of NRO murdered tonight in Galkayo", 25 January 2014.

[57] E-mail, reliable NGO source, 10 January 2014.

[58] Garowe on line, "Three Women shot dead in Mogadishu", 25 February 2014.

[59] There were 14 incidents involving arrests and detentions of NGO staff in 2013 (not just by Al-Shabaab). By mid July 2014, however, there had already been 11 such incidents, the highest on average since tracking began in 2011. E-mail, reliable NGO source, 25 July 2014.

[60] IED attacks, armed clashes and specifically, assassinations, attributed to Al-Shabaab peaked in Mogadishu in July 2013, which coincided with Ramadan.

[61] See, inter alia, Hiiraan Online, "Turkish aid agencies halt operations in Somali capital," 13 July 2014.

[62] Armed Conflict Location and Event Data Project, Conflict Trends, No. 24, Real Time Analysis of African Political Violence, March 2014. Available at http://www.acleddata.com/wp-content/uploads/2014/03/ACLED-Conflict-Trends-Report-No-24-March-2014_final.pdf.

32. This chaotic security situation led to higher levels of violent criminality which in some areas affected humanitarian workers and humanitarian operations.[63] In some places a daily experience of violence was the norm, with one town described as having a level of "ambient" violence reflecting a high level of inter-clan tension with at least one incident involving a gun threat a week.[64] Violence was also used in some cases to disrupt, control and redirect the distribution of humanitarian inputs, including for simple criminal purposes.[65] As the first phase of the offensive against Al-Shabaab got underway, not only did Al-Shabaab lay siege to routes to key locations, but the general level of insecurity rose. There was increased looting of humanitarian convoys, including at checkpoints controlled by "men in uniform." A snapshot of reports from mid July to the early days of August 2014, for example, included: looting by Jubaland forces of food aid during a distribution to IDPs in Farjano in Kismayo;[66] stealing of a food convoy on its way to Mahaday in Middle Shabelle at an SNAF checkpoint;[67] and looting of a food convoy near Afgowe in August 2014.[68] In some cases negotiation and restitution was possible: in the latter two examples the food was eventually recovered and distributed to the intended beneficiaries.

33. Another factor in the threat environment was the extension of new state administrations at central, regional and district levels, which often involved the re-hatting of those who had posed threats to humanitarian workers in the past (see annex 7.1). Humanitarian workers thus faced former adversaries now also wielding state power as a tool of control. Those who challenged these practices were sometimes subject to attacks. Staff of one local NGO, for example, were detained by local officials and told that their presence was not welcome because the organisation had refused to pay kickbacks to officials.[69] In Mogadishu it was reported that armed militias were used to intimidate humanitarian workers at critical moments, such as rent negotiations.[70] In Galkayo the capture of businesses by pirate interests made safeguarding staffing and procurement decisions reportedly complex and a security issue for NGOs.[71]

34. Humanitarian workers who provided services viewed as controversial or sensitive, such as support to survivors of sexual and gender-based violence, or who

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[63] See, for example: On 31 March 2014 gunmen opened fire on an INGO vehicle in Belet weyne district. E-mail, reliable NGO source, 31 March 2014. On 21 April 2014, gunmen attacked an NGO food aid convoy along the Afgoye corridor, reportedly killing two SNAF soldiers and managing to divert part of the consignment. E-mail, reliable NGO source, 21 April 2014. In July 2014, gunmen opened fire on an INGO vehicle west of Cabudwaaq in Galgaduud. E-mail, reliable NGO source 20 July 2014.

[64] Phone interview with former humanitarian INGO staff member, 12 February 2014.

[65] See, for example: an incident in Hiiraan which involved the erection of checkpoints to prevent the arrival of beneficiaries at a food distribution point and the subsequent shooting dead of two and the wounding of others during attempts by elders to resolve the impasse. E-mail, reliable NGO source, 8 June 2014. An incident in Lower Jubba in June 2014, where a food aid distribution was attacked by gunmen who reportedly looted the food, killed a woman beneficiary and beat others with sticks. Twenty were injured. E-mail, reliable NGO source, 26 June 2014.

[66] E-mail, reliable humanitarian INGO source, 14 July 2014.

[67] Phone interview with United Nations staff member, 7 August 2014.

[68] Phone interview with United Nations staff member, 7 August 2014.

[69] Local humanitarian NGO, interview, Nairobi, 19 March 2014. Further details cannot be shared due to security concerns.

[70] Phone interview with former INGO staff member, 20 March 2014.

[71] Phone interview with humanitarian INGO staff member, 12 February 2014.

challenged sites of political power, also reported high levels of fear and sometimes direct harassment from local authorities. NGOs working with women were particularly vulnerable.[72]

35. Overall, the complexities and multiple sources of the threats facing humanitarian agencies in Somalia were illustrated starkly by the decision of the Médecins Sans Frontières (MSF) family of organizations to withdraw from Somalia in August 2013 after 22 years of operation.[73] In MSF's final months in Somalia not only were two members of staff who had been held in captivity for almost two years finally released, but the convicted murderer of another two of its staff members was released from prison just weeks after he had received a 30 year sentence.In its statement announcing the closure of its operations, MSF described "an environment where armed groups and civilian leaders increasingly support, tolerate, or condone the killing, assaulting, and abducting of humanitarian aid workers." Speaking in an interview on 19 August 2013, Arjan Hehenkamp, then MSF General Director, particularly decried the "structural inability of Somali leadership and authorities to prevent these incidents from occurring or to address them when they occur". He concluded that MSF could "no longer safeguard our activities and staff in Somalia".[74]

Release of hostages

36. One positive development was the release of the four humanitarian aid workers who had been held in long-term captivity in Somalia. In April 2014, an employee of CARE held since 2011 by Al-Shabaab was returned to his family in Kenya.[75] Later in June 2014, three staff members of the INGO International Aid Services were also finally released. They had been held by pirate groups since their abduction in Galkayo in July 2012.[76]

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[72] Interview with United Nations staff member, 19 July 2014, Nairobi; interview with INGO staff member, Nairobi, 10 February 2014; interview with Somali NGO staff member, Nairobi, 19 May 2014.

[73] The pull out impacted provision of health services to over 1.5 million Somalis. See, inter alia, Effect of pull out of MSF on health situation in Somalia, Presentation, Health Cluster Coordinator, 26 August 2013, on file with the Monitoring Group.

[74] Interview with MSF General Director, Arjan Hehenkamp, conducted by Somali journalist Hamza Mohamed. Available at https://www.youtube.com/watch?v=R4epbsW15z8.

[75] Phone interview with humanitarian INGO staff member, 30 July 2014.

[76] International Aid Services, Press Release, "IAS hostages released in Somalia", 5 June 2014, at http://www.ias-intl.org/?p=882.

Annex 7.6: Diversion and misappropriation of humanitarian assistance (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 7.7: Diversion and misappropriation of humanitarian assistance: measures to enhance compliance

37. While it is practically impossible to completely avoid diversion inherent in the Somali humanitarian system, various mitigating measures and creative approaches are possible. Some of the the policies and practices being put in place by the humanitarian community to reduce violations and enhance compliance with respect to the prohibition on obstruction of humanitarian assistance are described below.

The international community

38. In September 2013, further to increasing reports of humanitarian diversion from the Common Humanitarian Fund (CHF), the CHF completed a capacity assessment of its partners, grading them in three risk bands: high, medium and low risk.[77] One of the outcomes of the review was the reduction of the list of partners eligible for CHF funding to 72.[78] In addition to capacity assessments, the CHF also employed third party field monitoring, call systems and satellite imagery to help verify project implementation and monitor potential diversion. It is understood that the use of GPS-enabled phones, linked to a website for uploaded of project data, was under consideration.

39. As a whole, the United Nations system in Somalia made efforts to improve coordination and increase internal transparency around identifying risks and devising responses. Beginning in May 2014 a cross-agency risk management working group (RWG) was convened under the Office of the Resident Coordinator/Humanitarian Coordinator. The RWG membership comprises the Risk Management Unit (RMU) and Risk Focal Points from the United Nations Country Team (UNCT). The RWG is intended as a forum for discussion of challenges in relation to risk management activities and for the development of recommendations to address strategic and technical issues for the UNCT.

40. The RMU continued to develop its Contractor Information Management System (CIMS) database of information on programming valued at over USD 3.56 billion by mid-year 2014, and in relation to over 2000 partners.[79] Some United Nations entities, however, were unable to provide the comprehensive and timely information required on contracts and partners for insertion in the CIMS database, impeding its full operationability.[80] New features of the CIMS database under development included a Civil Servant Salary and Ministry Payment Tool and a Mapping Tool.[81] Further to the conclusion of a Memorandum of Understanding with the United Nations Office of Internal Oversight Services (OIOS) in 2012, advisory reports from the RMU to the OIOS led to full scale investigations in a number of cases (see strictly confidential annex 7.6).

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[77] The bands indicated the level of mitigating or other measures which would be required for the CHF to proceed with engagement.

[78] See, inter alia, OCHA website at http://www.unocha.org/somalia/financing/common-humanitarian-fund-chf/capacity-assessment.

[79] E-mail, RMU to Monitoring Group, 22 August 2014.

[80] Interview with United Nations staff member, Nairobi. 20 August, 2014.

[81] This will enable the mapping of projects and programmes undertaken by the UNCT through GPS coordinates and assist with collaborative approaches to project monitoring.

41. The use of third party monitors by both the United Nations and NGOs to report on outputs from project activities and perceptions on the ground, significantly increased. New approaches to programming such as use of money transfer companies and post verification payment for cash transfer projects; monitoring tools such as call centres and text messaging; and new use of technology such as fingerprint readers, expanded.[82]

42. Although improved, there was still insufficient information exchange amongst United Nations entities, and between United Nations entities and NGOs, which would permit swift and consistent determinations and action when reputational fiduciary or other risks associated with a partnership were identified.[83] Legal restrictions certainly operated against information sharing in some areas. The OIOS, for example, is bound by strict rules of confidentiality. At the same time creative approaches are possible. Rather than sharing details of investigations per se, the context, and the various networks and alliances within which diversion and misappropriation is facilitated, could be shared through cross-referencing and exchange of background and other situational information, including that gleaned by third party monitors.[84] Information on trends in methods and mechanisms of diversion could also be usefully exchanged without breach of confidentiality or other legal obligations.

43. Sharing of information is not only important in terms of identifying risks. It is important that sufficient resources are provided for swift investigations when problems are developed and for careful dissemination of the findings. Rumours regarding individuals or entities can be damaging to both the targets of the allegations and, ultimately, the beneficiaries of humanitarian programs. Good practices surrounding managing responses to findings of diversion and misappropriation might also be shared. There were a number of incidents in the last year, for example, where violence was threatened by individuals who were challenged in relation to diversion.[85]

44. In 2013 the Somali NGO Consortium convened a working group on risk management and accountability and commissioned a study on approaches within the NGO community.[86] Further to the study, the Somalia NGO Consortium developed a

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[82] These methods may need to be constantly refined and their implementation is not always clear-cut: in one incident local communities reportedly complained about phone monitoring as it implied that their status as a beneficiary of United Nations/CHF aid had been revealed, thus compromising their safety. Interview with humanitarian INGO staff member, Nairobi, 28 July 2014.

[83] For example, contractors identified in previous Monitoring Group reports as having diverted humanitarian assistance on a systematic scale and NGOs who have been discovered as involved in fraud continue to conduct significant business with United Nations and other entities — both directly and through the establishment of new companies led by the same individuals. In at least two cases, individuals identified as having been connected with serious NGO fraud and diversion were reported to have attempted, or were in the process of attempting, to re-assert their power through new or captured entities.

[84] As NGOs come under scrutiny, for example, new NGOs are often created or captured as fronts for individuals associated with a 'blacklisted' NGO. In a three month period in mid 2013, for example, it was reported that the number of registered NGOs had gone from 420 to 1742. Internal report, Somali NGO Consortium, on file with the Monitoring Group.

[85] Interviews with humanitarian INGO staff member, Nairobi, 29 July 2014; and humanitarian NGO staff member, Nairobi, 19 March 2014.

[86] Somalia NGO Consortium, Study on Risk Management and Accountability practices among NGOs in Somalia, August 2013 on file with the Monitoring Group.

Code of Conduct and Guidelines on risk mitigation for NGOs working in Somalia (the Code).[87] Intended to be enforced via peer to peer oversight, as of August 2014, 26 NGOs had adopted the Code. Some gaps remain both in the Code itself and in how it is envisaged that NGOs relate to the broader humanitarian community. It is still not clear, for example, how information will be shared with, and by, United Nations agencies. At the end of August 2014, the RMU reported that it was in the process of preparing for the recruitment of a dedicated NGO Liaison officer. Determing how exactly this modality works will be critical.

Somali authorities

45. In Somalia the diversion of humanitarian inputs by state officials, and the need to take action, was acknowledged. In May 2014, for example, the FGS Minister for Interior and Federalism, Abdullahi Godah Barre, in a parliamentary address publically accused officials of humanitarian diversion in the context of efforts to resupply locations formerly controlled by Al-Shabaab.[88] Later in August 2014 at a press conference the Minister for Information, Mustafa Sheikh Ali Duhulow, vowed that, "those responsible for diversion, obstruction or corruption will be brought to court to face the severest punishment."[89] In Puntland in March 2014, the District Commissioner of Xarfo was recalled to Garowe and placed under house arrest while accusations that he had been involved in diverting food aid from Turkey were investigated.[90]

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[87] Somali NGO Consortium, Code of Conduct and risk mitigation standards, on file with the Monitoring Group.

[88] He alleged in particular that on the orders of district officials local militia had stolen food aid indented for Bardale and Burhakaba. See inter alia, Shabelle news, "Interior Minister indicates that aid shipments to Bardale and Burhakaba were diverted", 1 May 2014.

[89] Weekly press conference on the progress of the Government, 9 August 2014, on file with the Monitoring Group.

[90] Puntlandi.com, "Puntland government arrests the Commissioner of Xarfo on allegation of food corruption" (unofficial translation), 12 March 2014. Available at http://puntlandi.com/dowlada-puntland-xirtay-guddoomiyaha-degmada-xarfo-ka-dib-markii-lagu-eedeeyay-musuqmaasuq/.

Annex 8

Violations of international humanitarian law

Annex 8.1: Targeting of civilians

Al-Shabaab

1. Attacks by Al-Shabaab against the Somali National Armed Forces (SNAF) and the African Union Mission in Somalia (AMISOM) in high population density areas resulted in civilian causalities due to choice of weapons and lack of targeting or attempt to confine the impact of the attack.[1] Urban areas where AMISOM, SNAF and their allies had their primary bases, such as Belet Wenye, Baidoa, Kismayo and Mogadishu, saw the worst casualties. On 19 March 2014, for example, four internally displaced persons (IDPs), including two children, were killed when mortars hit a camp in Wardhigley district. The intended target was believed to be a location in the Villa Somalia compound.[2]

2. Certain categories of civilian premises and civilians themselves were deliberately targeted. Those associated with the expansion of the authority of the Federal Government of Somalia (FGS) were a particular focus of suicide bombs and IEDs. Five parliamentarians, for example, were killed between January and August 2014. Al-Shabaab claimed responsibility for the assassinations, although in some cases allegations that other actors were behind the killings circulated (see annex 1.3 on Al-Shabaab in Mogadishu). Individuals perceived to be providing even basic support services to officials of AMISOM or FGS, such as translators or even tea sellers, were also killed, although, again, attribution of responsibility to Al-Shabaab in each case was not always clear-cut. On 16 July 2014, for example, unidentified men shot and killed a young man who had been a translator for AMISOM in Ceel Jaale village outside Marka.[3]

3. In addition to targeted assassinations of Government and elected officials or those associated with Government, others with a public role, such as traditional elders, civil society activists, journalists and judges, were also murdered. On 7 December 2013, the body of a traditional elder, Shire Diriye Osman, was found near El Bur.[4] He was one of more than 20 traditional elders who had been kidnapped from the area in October 2013. Identification of individual perpetrators and motivations was particularly difficult in the cases of murder of judges and journalists. In addition to Al-Shabaab, other business and political interests may have motivated these killings.[5] In October 2013, for example, journalist Mohamed Mohamud (Tima'ade) was shot. According to colleagues interviewed by the Monitoring Group he had received threats from *both* Government officials and from Al-Shabaab prior to his death.[6] The overall number of journalists killed on in 2013 (4),

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[1] Thirty children were killed and 51 others injured in incidents involving improvised explosive devices (IEDs) during 2013, for example, although not all of these were attributable to Al-Shabaab. Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339) at paragraph 118.

[2] UNHCR, "Mortar attacks kill four displaced people in Mogadishu", 20 March 2012.

[3] E-mail, reliable NGO source with knowledge of the situation in Mogadishu, 16 July 2014.

[4] Sabahi Online, "El Bur residents terrified by al-Shabaab's brutal murder of traditional elder", 10 December 2014.

[5] Interview with United Nations staff member, Nairobi, 27 January 2014.

[6] Phone interview with Somali journalist, 10 August, 2014.

however, dropped from that in 2012 (12).[7] The safety of judges, on the other hand, deteriorated across Somalia, with four judges killed in November 2013 alone.[8]

4. It was not only categories of civilians connected to the state apparatus who were identified as 'legitimate' targets by Al-Shabaab. Other groups, such as the diaspora were also a declared focus. On 29 December 2013, for example, Sheikh Ali Mohamed Ali Jabal announced that Al-Shabaab would target diaspora Somalis as they spread "evil and atheism" and were servants of "unbelievers and infidels."[9] A few days later, 3 bombs were detonated at Al Jazeera hotel killing 11.[10]

5. With the deliberate retreat of Al-Shabaab from areas targeted by the SNA/AMISOM offensive, direct encounters between the opposing forces were avoided in many cases. The guerrilla tactics favoured by Al-Shabaab against their adversary in their former territories, however, often resulted in harm to civilians. As ACLED noted in its analysis of FGS territorial gains in 2013: "once the Federal Government has regained territory, the non-combatant population remains exceptionally — if not increasingly — vulnerable to Al-Shabaab attacks on soft targets in the wake of the group's departure."[11] Civilians were also deliberately targeted in combat operations on some occasions. During an armed encounter in August 2014 between Al-Shabaab and SNAF and allied forces in Toos Weyne in Bay region, for example, it was reported that Al-Shabaab locked four civilians, including one child, in their homes and burned them.[12]

6. Direct attacks on both civilian targets and military targets in which civilians died escalated in May and June 2014, in the wake of the SNA/AMISOM offensive and with the commencement of Ramadan. On a daily basis, members of the SNAF, police and those affiliated with the FGS were individually targeted at their duty stations and homes through sniper fire or explosive devices. On 18 July 2014 in Kismayo, for example, a suicide bomber who blew himself up in the home of a senior Jubba Interim Administration (JIA) official killed 6 people and injured 5 others.[13]

7. Where Al-Shabaab was under military pressure, its tactic was often to incite fear among the population as a method of control, including through use of unpredictable violence as well as through restriction of movement or other rights, such as access to telecommunications. It frequently imposed harsh penalties for violations of its edicts, including execution, in conditions which were contrary to international law.[14] There were public reports of at least 11 summary trials and public executions of alleged "spies" in connection with the conflict against SNA/AMISOM between March and late July 2014, all against the background of

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[7] Information compiled by the Committee to Project Journalists, available at https://cpj.org/killed/africa/somalia/.

[8] Interview with United Nations staff member, Nairobi, 15 January 2014.

[9] Somanews, "Sheikh Ali Jabal makes a statement on Mujahideen operations in Banadir region", 30 December 2014.

[10] Somalilandsun, "Al Shabaab claims Mogadishu hotel bombings [unofficial translation]", 2 January 2014.

[11] ACLED, Conflict Trends No 22, Real-Time Analysis of African Political Violence, January 2014.

[12] E-mail, reliable NGO source with knowledge of the situation in Bay, 4 August 2014.

[13] Hiiraan Online, "Suicide attack kills at least six in Kismayo", 18 July 2014.

[14] The Group conducted one interview with an individual who had been subject to a summary trial by Al-Shabaab in conditions which lacked the most basic of fair trial guarantees. Interview with former prisoner of Al-Shabaab, location not disclosed for security reasons, December 2013.

increasing pressure on Al-Shabaab's control of territory. In July 2014, for example, it was reported that Al-Shabaab had conducted a public execution of a 13 or 14-year old girl in Dinsoor. She had been accused by Al-Shabaab of receiving training from the FGS in Hudur, which had transferred into FGS control in March 2014.[15]

8. Summary violent penalties were also meted out for other violations of Al-Shabaab directives related to its military campaign. As noted in annex 7.1, in the wake of the SNA/AMISOM offensive, Al-Shabaab used violence to deter the movement of food and goods into areas 'recovered' by the FGS.[16] Those who worked to document human rights violations were also victims of attacks. In July 2013, Adan Salah Abdallah, was arrested, interrogated and detained for months by Al-Shabaab. He was killed on 19 November 2013.[17] When Al-Shabaab requested Abdallah's family to collect his body they were informed that computer 'evidence' of his monitoring of their activities had been found.[18]

9. Penalties were also imposed for infractions, which, although not directly related to Al-Shabaab's military tactics, were nevertheless a means of asserting and maintaining control of their territory and its inhabitants. In one case documented by the Monitoring Group, a man was permanently crippled when he was beaten and thrown from a moving vehicle by Al-Shabaab fighters after being found in possession of a cigarette.[19] Civilians involved in making a living from the *khat* trade were also targeted and killed. On 24 April 2104, for example, Al-Shabaab forces fired a rocket-propelled grenade (RPG) at a vehicle transporting *khat* in Danow village in Lower Shabelle killing one person.[20]

10. Serious international crimes linked to the armed conflict in Somalia for which Al-Shabaab claimed responsibility were also committed outside Somalia territory, but where elements of the crimes took place in Somalia.[21] The attack on the Westgate shopping centre in September 2013, for example, involved elements inside Somalia (see annex 2.1).

State entities

11. Despite capacity-building efforts, structural weaknesses within the Somali National Army (SNA) persisted, including a lack of representativeness of Somalia's population, weak centralised command and control, poorly qualified personnel, and inconsistent payment practices. This situation allowed clan loyalties and external interests to dominate ranks in many instances for both political and criminal purposes. Against the background of an adversary for which violation of

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[15] Sabahi Online, "Al Shabaab executes 14 year old girl in Dinsor", 23 July 2014. The Monitoring Group verified through sources on the ground that the execution took place.

[16] In May 2014, for example, there were reports of the beheading of a woman near Garas Jereed village connected with her work as a milk trader in Qoryooley. E-mail, reliable NGO source with knowledge of Lower Shabelle, 27 May 2014.

[17] Interview with Somali human rights activist, Nairobi, 27 March 2014.

[18] Office of the High Commission for Human Rights, Communications report of special procedures, 2 June 2014, General Assembly A/HRC/26/21.

[19] Interview with IDP man from Lower Shabelle, location not provided for security reasons, December 2013.

[20] E-mail, reliable NGO source, 25 April 2014.

[21] There are likely to have been a number of other jurisdictions engaged by the instigation, planning and implementation of the Westgate attack, including on the grounds of perpetrator nationality.

international humanitarian law was frequently a deliberate strategy, the SNA were also sometimes responsible for violations in the context of the conflict. These involved either disproportionate or deliberate use of force against civilians in the course of operations, or commission of other violations — such as sexual and gender-based violence (SGBV) (see annex 8.3) — outside direct combat operations.

The war against Al-Shabaab

12. The means and methods of war utilised by Al-Shabaab, including asymmetric tactics and use of local populations as shields or cover for their activities, made both response to attacks by Al-Shabaab and proactive offensive engagement difficult, including in terms of ensuring adherence to international law. During 2013, for example, the United Nations verified at least 334 incidents involving child casualties for which the SNA and allied militias were identified as responsible (98 killed and 26 injured), particularly as a result of cross-fire and shelling.[22] The first phase of the 2014 offensive against Al-Shabaab, which began in March 2014, also saw allegations of violations of international law, including in particular in the context of assertion of control in recovered areas. In Baidoa, for example, United Nations agencies received credible reports of the commission of SGBV crimes against IDP women "by armed men" at checkpoints around the town.[23]

13. Outside combat operations, there were reports of violations by the Somali security forces and its allies of other applicable international law, including arbitrary arrest and detention, extrajudicial killings and torture. Arrest operations involving the arrest of large numbers of individuals were conducted regularly by Somali security forces (sometimes jointly with AMISOM), or by allied forces. These operations were generally conducted in anticipation, or in the wake, of attacks by Al-Shabaab. While in essence policing operations, they were usually conducted by military or FGS National Intelligence and Security Agency (NISA) personnel, and rarely pursuant to arrest warrants or other formal directions relating to search or seizure.[24] Although many of those arrested were generally quickly released, there were credible allegations of killings and enforced disappearances in the course of these operations received by both the Monitoring Group and other United Nations sources, in addition to allegations of torture in detention. In February 2014, for example, credible information was received from the United Nations and other reliable sources regarding the deaths of 9 individuals, in circumstances arguably amounting to extra-judicial killing, in the course of an operation conducted in the wake of the killing of a senior intelligence official in Kismayo.[25]

14. The Monitoring Group reviewed a number of allegations relating to torture in NISA custody in Mogadishu, both within the context of the conflict, and more broadly. In one case which received considerable publicity, a well-known journalist,

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[22] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 118.

[23] Telephone interview with United Nations staff member, 17 July 2014; and United Nations staff member, 17 August 2014; and more broadly with respect to Bay region, interviews with former consultant expert, Nairobi, 16 April, 2014; and expert with knowledge of Ethiopian operations in Somalia, Nairobi, 24 July 2014.

[24] Telephone interview with United Nations staff member, 20 August 2014. There were also questions about the scope of NISA's jurisdiction to detain.

[25] E-mail reliable NGO source, 18 February 2014; phone interview with United Nations staff member, 20 August 2014.

Mohamed Bare, was detained by NISA officials on 11 February 2014 and severely beaten and threatened.[26] Not questioned in relation to any alleged crime, it was indicated at one point that his treatment related to his publication of a photograph of the injured Deputy Governor of Lower Shabelle shortly after a car bomb explosion.[27] In May 2014, the death in NISA custody was also reported of Farhan Moalim Muhamed, a freelance journalist who had previously worked with Radio Kulmiye in Kismayo, He was reported dead within 48 hours further to his arrest on suspicion of connection with Al-Shabaab.[28] In another widely reported and discussed case, Abdirizak Gurey alleged that he had been arrested, detained and beaten severely by members of the NISA at a secret location.[29] Although this latter case appeared to have occurred in circumstances unconnected with the conflict it reflects the pattern of conduct alleged. The Monitoring Group also received credible information on the use of torture in Mogadishu Central Prison on at least four instances in 2013, including beatings combined with forced sun exposure and the employment of a form of metal restraint which can be progressively tightened to cause severe pain.[30]

15. The context of political command in which these incidents unfolded is reflected in comments by the then Mayor of Mogadishu Mohamed Nur in February 2014: "[a]ny captured Al-Shabaab members must be stoned to death on the place they are captured, they don't need to be taken to custody."[31] In June 2014, the head of the Military Court, Abdirahman Mahmoud Tur-yare, was reported to have vowed, "it will never happen again that an arrested Al-Shabaab fighter is released."[32] Within this environment, and notwithstanding the 2011 commitment to declaring a moratorium, there was a rise in the number of executions carried out further to trial and sentence within the military justice system.[33] By mid-August 2014, there had been 14 executions conducted in Mogadishu and Kismayo.

Other territorial, resource, and inter-clan armed violence

16. The offensive by the SNAF, its allied forces, AMISOM and its strategic partners resulted in the opening up of new territories to potential Government control. With 'government' itself not a cohesive entity, however, the existence of recovered territory only added to the complexity of the forces and interests at play — both national and foreign — over who would be enabled to assert power. Contestation over control of both the creation of new federal entities and recovered

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[26] Bare was arrested alongside Ibrahim Mohamed Ali of Radio Haatuf and a radio engineer Abdikarim Fiidow. Reporters without borders, "Security agents still hound journalist after detaining, torturing him", 25 February 2014.

[27] Ibid.

[28] Radio Kulmiye, "A journalist killed by soldiers from the intelligence section in Mogadishu [informal translation]", 21 May 2014, republished at Wehliye online. Available at http://wehliye.com/dhageyso-wariye-ciidanka-nabad-sugida-ku-dileen-magaalada-muqdisho/. Phone interview with Somali journalist with knowledge of the case, 17 August 2014.

[29] Cassimadda on line, "Intelligence establishes torture houses [informal translation]," 6 June 2014, Available at http://caasimadda.com/sawirro-nabadsugida-oo-guryo-dadka-lagu-jirdilo-ka-sameysatay-muqdisho/.

[30] Phone interview with former prisoner, 21 July 2014.

[31] Hiiraan Online, "Mogadishu Mayor urges security to kill captured Al-Shabaab members on the spot", 11 February 2014.

[32] Hiiraan Online, "Somalia government announces tougher punishments for rapists", 16 June 2014.

[33] Report of the Secretary-General on Somalia, 12 May 2014 (S/2014/330), at paragraph 43.

territory underlay outbreaks of conflict across South Central and interacted with the dynamics of already escalating inter-clan conflicts. These conflicts resulted in attacks on civilians, both in the course of clashes directly related to the federalisation process, and also indirectly. Inter-clan violence, for example, was in some instances attributable to strategic manoeuvres related to the process of state formation. In Baidoa, for example, on 25 March 2014, demonstrations were mounted by some residents against the visit of Member of the Federal Parliament Shariif Hassan Sheikh Adan, a proponent of the three-state administration in the area. Armed men associated with Hassan's delegation opened fire on the protesters and a 16-year old boy was shot.[34]

17. Killings of civilians in the course of clan, business and resource disputes occurred regularly, and were resolved at a local level, throughout Somalia. However, the retreat of Al-Shabaab during the last two years created a vacuum in which inter-clan tensions reignited into more widespread conflict, sometimes actively encouraged by Al-Shabaab as a means of destabilizing former areas of control. These conflicts were also manipulated for the benefit of business and political interests, including the struggle over the federal structure of the state and capture of new revenue streams in the rejuvenating economy. Elements of the SNA and officials within local political administrations contributed to the conduct of the attacks, whether in terms of the distribution of arms and uniforms or through direct involvement of personnel. In Lower Shebelle in particular the assets and authority of the SNA were progressively hijacked during the reporting period, with the clan make-up of the forces leading to its overwhelming engagement on 'one-side' of the conflict there (see annex 3.2).

18. The confluence of these conditions enabled the commission of large-scale attacks on civilian areas and breaches of international law. Credible testimonies and other information collected by the Monitoring Group described killing and wounding of civilians, sexual and gender-based violence, looting and burning of homes, villages and farm equipment, and forced displacement in three locations: villages around Jowhar in Middle Shabelle, around K50 in Lower Shabelle and Kabxanley in Hiran. Perpetrators of the attacks were described as "clan militia," "SNA" and individuals wearing Government uniforms, supported by 'technicals' with mounted weaponry. The level of central command and control of the SNA varied with allegations ranging from suggestions that units 'deserted' to join their clan militia, to authorisation at higher levels of command. In some of the instances, engagement of SNAF forces was acknowledged and justified by reference to the conflict against Al-Shabaab. In an interview for Radio Kulmiye in August 2014 General Dahir Adan Elmi Indha qarshe, the Chief of the Defence Forces, acknowledged that it was possible that individuals from the SNA could have taken part in some of the attacks. He argued, however, that if the army itself had been involved there would have been much greater casualties.[35] In August 2014, it was reported that a senior officer and three of his close staff in Brigade 3 had been put

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[34] E-mail, human rights defender known to the Group, 26 March 2014. Picture of wounded child on file with the Group.

[35] Interview recorded with General Elmi on 6 August 2014. Available at http://radiokulmiye.com/knn/wp-content/uploads/2014/08/BAR-XOG-WAREYSI-06-08-2014-Y.mp3.

under house arrest further to their alleged involvement in fuelling the conflict in Lower Shabelle.[36]

19. The Monitoring Group continues to investigate these allegations. Preliminary findings in relation to one interrelated cycle of attacks carried out in November 2013 on 20 villages north east of Jowhar in Middle Shabelle are presented in strictly confidential annex 8.2. The attacks on Jowhar illustrated the pattern of conduct, perpetrator type, and mode of perpetration which were seen in the other cycles of attacks under investigation. There were no visible measures taken by the authorities to investigate and prosecute those responsible for these violations, although in some cases preliminary Government enquiries were conducted. This culture of impunity fuelled the conflict cycles, particularly intensifying in Lower Shabelle and Hiran in mid-2014. The violent manifestation by individuals and groups within the SNAF of parallel allegiances not only presented a serious challenge to the exercise of state responsibility for the monopoly on the use of force. It also undermined statebuilding and security through the erosion of public trust in the function and loyalties of the forces.

20. Finally, with road 'taxation' a staple business for many armed groups, attacks on civilians during extortion at roadblocks, and conflict over their control, were frequent. The predatory behaviour of the SNA was identified as a factor contributing to rising insecurity in Lower Shabelle in May 2014 with the Secretary-General describing: "criminal activities reportedly carried out by Somali troops, including illegal checkpoints, shootings and armed robberies."[37]

Somaliland and Puntland

21. In Somaliland, allegations relating to unlawful use of force outside the context of armed conflict primarily focused on the operations of the Rapid Response Unit. These related to unlawful entry of offices and homes, and assault, in addition to three killings in the context of demonstrations or arrest efforts since early 2013.[38] In Puntland, there were also similar reports, including of the death of one man in the context of demonstrations in wake of the announcement of the Presidential election results on 8 January 2014.[39] Sool and eastern Saanag were the site of increasing political and armed tensions in the last year, escalating into open conflict on a number of occasions and involving the armed forces of the self-declared Khatumo State and the Somaliland and Puntland administrations, causing heightened tensions between the two regions. In November 2013, an attack on the town of Taleex by a large contingent of Puntland security and allied forces resulted in the killing of at least 6 civilians, the wounding of over 20 and the temporary displacement of communities from the town. Details of this attack are contained in strictly confidential annex 8.2. Armed violence again occurred around the same location in April 2014, with a series of encounters between Khatumo forces and Somaliland forces, and continued at time of writing.

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[36] E-mail, United Nations staff member, 7 August 2014.

[37] Report of the Secretary-General on Somalia, 12 May 2014 (S/2014/330), at paragraph 12.

[38] Interviews conducted with United Nations and NGO staff in Hargeisa, January and June 2014.

[39] E-mail, reliable NGO source with knowledge of security context in Puntland, 9 January 2014; interview with United Nations staff member, Garowe, 10 December 2013; telephone interview with United Nations staff member, 13 August 2014.

International forces

22. As noted above, Al-Shabaab's adversaries operated in highly compromised environments where guerrilla warfare was the norm and where strict adherence to international law was a major challenge. There were frequent incidents in which disproportionate use of force by AMISOM in reaction to unexpected assaults on personnel and convoys resulted in killing and injury to civilians. On 26 March 2014 in Kismayo, for example, further to an RCIED attack, AMISOM soldiers opened fire and four bystanders were killed "as a result of the blast and the ensuing shooting."[40] Direct military engagements between SNA/AMISOM and Al-Shabaab forces also resulted in civilian casualties. On 14 April 2014, for example, in response to a hit and run attack on SNA/AMISOM positions, heavy gunfire, mortars and RPGs were exchanged and two children were killed when a mortar hit a residential home.[41]

23. Allegations relating to the impact on civilian areas of ground and aerial engagement by international forces, including AMISOM's strategic partners in Somalia, were received but could not be verified. On 20 May 2014, for example, a village at Faragurow, 3 kilometres west of Jilib town in Middle Jubba, was attacked by fighter jets. Some reports claimed that among the dead were "2 women, 2 children and an old man."[42] Further to a series of such attacks in the area it was reported that Al-Shabaab had prevented some of the population from attempting to flee the bombardments.[43] The Monitoring Group also received credible information from a number of sources relating to allegations of violations of international law during operations by Ethiopian security forces, in particular forces operating outside the AMISOM framework.[44] Enquires are continuing.

Attacks on schools and hospitals

24. During 2013, the Secretary-General reported that "fifty-four attacks on schools and 11 attacks on hospitals" had taken place in Somalia.[45] The perpetrators of these attacks were identified variously as, "the national army (28), Al-Shabaab (18), unknown armed groups (7) and ASWJ (1)."[46] In the first quarter of 2014, in contrast however, there was only one attack on a school and one attack on a hospital verified by the MRM.

25. In the wake of the pull out of MSF from Somalia, and when retreating from formerly-held territory, Al-Shabaab on a number of occasions removed medical supplies or temporarily halted medical services by occupying or closing facilities.[47] In 2013, four attacks on schools by Al-Shabaab and an unknown armed group

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[40] E-mail, reliable NGO source with knowledge of security situation in Kismayo, 27 March 2014.

[41] E-mail, reliable NGO source, 15 April 2014.

[42] Shabelle News, "Fighter Jet strikes town near Jilib", 20 May 2014; e-mail, reliable NGO source, 20 May 2014.

[43] E-mail, reliable NGO source with knowledge of the area, 25 May 2014.

[44] Interview with expert with knowledge of Ethiopian operations in Somalia, Nairobi, 27 July 2014; interview with former expert consultant, Nairobi, 16 April 2014; phone interview United Nations staff member, 17 July 2014.

[45] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 120.

[46] Ibid.

[47] See, for example, with respect to Hudur in March 2014, Monitoring and Reporting Mechanism for Grave Violations of Child Rights (MRM in Somalia), January to March 2014 Update Vol. 6, 2014.

resulted in the recruitment of 34 boys."[48] On 18 June 2014, an IED attached to a car belonging to a doctor at Keysaney hospital in Mogadishu exploded in the car park of the hospital killing the doctor and wounding six others. It was not clear who carried out the attack.[49]

26. Parties to the conflict sometimes used schools and hospital facilities for accommodation and other purposes, undermining their civilian character, rendering them subject to attack, and reducing access for the community to basic services.[50] In Warsheik in Middle Shabelle, for example, it was reported in April 2014 that AMISOM personnel had occupied a health facility and the SNA a primary and secondary school, although some services still managed to operate.[51] Reports were also received by the Monitoring Group of deliberate attacks on, and burning of, schools near Jowhar in Middle Shabelle in the context of inter-clan clashes also involving elements of the security forces in early November 2013.[52]

Measures to enhance compliance with international law

27. In resolution 2124 (2013), the Security Council called on the FGS to strengthen the SNAF, inter alia, by "establishing clear command and control systems, implementing appropriate procedures, codes of conduct and training." Subsequently, in resolution 2158 (2014), it further stressed "the need for the FGS to ensure that all perpetrators of serious violations of international humanitarian law are held accountable." In the last year, training and refresher training for SNA troops were conducted, alongside a specialized train-the-trainers workshop for 23 key SNA officers (including 5 women officers) in international humanitarian law.[53] Efforts were also made to streamline payment and other forms of support for the SNA, including through the development of a biometric data base which would assist in the identification and tracking of personnel, as well as facilitating salary disbursement.[54]

28. With respect to AMISOM, a welcome development was the announcement in June 2014 of new Standing Operational Procedures for the Handling of all Persons Detained by AMISOM.[55] The lack of address of allegations of civilian harm, however, added to the complexities of the theatre, including with respect to

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[48] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 120.

[49] E-mail, reliable NGO source with knowledge of security related incidents in Mogadishu, 18 June 2014.

[50] In resolution 2143 (2014) the Security Council, inter alia, requested enhanced monitoring of the military use of schools which deprives children of their basic right to access to education and puts them at risk.

[51] Interview with Somali human rights expert, Mogadishu, 29 April 2014.

[52] Phone interview with Somali journalist, 6 August 2014. This report was confirmed by an INGO humanitarian assessment reviewed by the Group. The schools were in the Jareer villages of Geddobarakan and Mererey.

[53] According to the figures reportedly presented by the SNA command for joint operations with AMISOM in the second phase of the offensive, a total of 4,431 have been certified and a further 1,919 are yet to be certified. E-mail United Nations staff member, 18 August 2014. See also AMISOM, Press Release, "Somali National Army (SNA) gets an initial pool of trainers in international humanitarian law (IHL) and Human Rights", 28 August 2014.

[54] E-mail, United Nations staff member, 18 August 2014.

[55] Standard Operating Procedures for the Handling of all Persons Detained by AMISOM, on file with the Group.

AMISOM being able to analyse incidents and input to tactical guidance. In resolution 2158 (2014), the Security Council expressed "concern" that AMISOM had "not yet established a Civilian Casualty Tracking Analysis and Response cell" (CCTARC)." By late August 2014, the Monitoring Group had received information, however, that the senior advisor essential to the establishment of CCTARC was due to be recruited.[56]

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[56] Phone interview with INGO expert, 19 August 2014.

Annex 8.2: Targeting of civilians in villages around Jowhar, Middle Shabelle, and in Taleex, Sool, November 2013 (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.3: Sexual and gender-based violence

Violations by armed actors

29. As previously documented by the Group (S/2013/413, annex 8.2) by far the most frequently cited perpetrator of sexual and gender-based violence (SGBV) against women and girls and men and boys in Somalia was an "armed actor," sometimes identified as a member of the Somali security forces. The Secretary-General's report on children in armed conflict in 2014, for example, reported 154 verified incidents of sexual violence against children during 2013, including by "unknown armed elements (65), members of the national army and allied militias (49), Al-Shabaab (31), ASWJ (7) and the Somaliland forces (2)."[57] The widespread availability of guns and uniforms made identification of the affiliation of the armed actor difficult, exacerbated by the fact that in the last year, particularly in South Central Somalia, the prevailing authority in areas where violations occurred was often unclear.[58]

30. Across Somalia, the majority of rape cases which were reported were perpetrated against internally displaced persons (IDPs). The last consolidated report from United Nations agencies and partners indicated that 78 percent of survivors who reported incidents to service providers were from IDP communities.[59] Inadequate physical shelter, the need to travel far to make a living, and belonging to a minority, were among the factors which exacerbated vulnerability across the country. Poverty, exclusion and frustration also created a context for both higher levels of intimate partner violence and SGBV committed by relatives or family, including against children when mothers left to search for work.[60] In February 2014, further to a series of fact-finding missions in the second half of 2013, Human Rights Watch issued a report on SGBV in Mogadishu and Benadir. Based on interviews conducted primarily with IDP women, the report described a situation of widespread commission of SGBV crimes, inadequate support services, failure of the justice system and fear of reprisals by those who reported allegations of SGBV or provided support to survivors.[61] In 2013, the United Nations MRM verified the "rape of 21 children in 19 separate incidents by national army and unknown armed elements inside internally displaced persons camps."[62]

31. Inter-clan violence also saw rape used as a tool of revenge. In villages around Jowhar, for example, the Monitoring Group received information on cases of rape

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[57] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 119.

[58] Multiple interviews with international and Somalia women NGO staff members, October 2013 to July 2014.

[59] GBV Integrated Management System, Trends and patters of gender-based violence in Somalia, Consolidated report from July 2012 to June 2013. The most recent consolidated report has not yet been finalized. The data reflects "*reported* incidents to service providers directly working with GBV survivors" and is "in no way representative of the total incidents nor prevalence of GBV in Somalia." See also, inter alia, phone interview Somali NGO expert, 5 October 2013; internal INGO report, December 2013, on file with Group.

[60] Interview with human rights expert, Hargeisa, 6 January 2014.

[61] Human Rights Watch, *Here rape is normal, a five point plan to address sexual violence in Somalia*, February 2014.

[62] United Nations Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at para 119.

committed by both Abgal/Mohamed Muse and Shidle militia in late 2013.[63] As conflicts escalated and intertwined in Lower Shabbelle — both the offensive against Al-Shabaab and inter-clan conflict between primarily Haber gadir and Biomaal clans — the Group also increasingly received allegations of SGBV, in particular spiking around May and June 2014, and with the take-over of Marka.[64]

32. In the context of the SNA/AMISOM offensive against Al-Shabaab, credible reports were received of rape committed at checkpoints around towns 'newly recovered' from Al-Shabaab.[65] Due to the lack of United Nations partners or service-providers on the ground in those areas, however, it was not possible to verify these allegations and enquiries are ongoing.

33. Reports from Al-Shabaab-held territories indicated that SGBV continued to be practiced against women and girls, particularly in the form of forced marriage.[66] The UN MRM reported that 20 girls had been forcibly married further to their recruitment into Al-Shabaab during 2013.[67] The Monitoring Group confirmed that forced marriage was a common practice in Lower and Middle Jubba and Middle Shabelle.[68] Forced marriage was not, however, the only form of SGBV committed. The Group also received testimony, for example, of the killing of two men, and the rape of 5 women encountered by Al-Shabaab forces at a checkpoint in early 2013.[69]

The obligation to prevent, investigate and prosecute SGBV and the right to a remedy[70]

34. The Provisional Constitution of Somalia provides that, "every person has the right to personal security and this includes: [...] all forms of violence, including any form of violence against women, torture or inhumane treatment" (article 15 (2)). The interaction of the Somali penal code and *Xeer* customary law system, alongside social and cultural assumptions, however, left most SGBV survivors in practice without any right to a remedy.

35. The work of monitoring and reporting on violations itself — including generating data based on service provision — was viewed with suspicion.[71] In some

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[63] Interview with rape survivor, Jowhar, 4 June, 2014, notes of interview conducted on behalf of the Group; interview with staff member of human rights NGO, Mogadishu, 29 April 2014.

[64] E-mail, former NGO staff member, 20 May 2014, information compiled 8 February 2014. The United Nations confirmed these observations. Phone interview with United Nations staff member, 17 August 2014.

[65] Telephone interview with United Nations staff member, 18 July 2014; interview with expert on operations of Ethiopian forces in Somalia, Nairobi, 27 July 2014.

[66] Interview with Somali researcher, Nairobi, 24 March 2014.

[67] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 119.

[68] Interviews with Somali NGO staff member, Mogadishu, 29 April 2014; Somali NGO staff member, Nairobi, 14 April 2014; and Somali researcher, Nairobi, 23 October 2013.

[69] Interview with IDP woman survivor of rape by Al-Shabaab, location suppressed for security reasons, 8 January 2014.

[70] A number of treaties ratified by Somalia oblige the state to prevent, investigate and punish SGBV in certain circumstances. Where SBGV amounts to a war crime in customary international law governing non-international armed conflict, prosecution is also mandated.

[71] Although Government may have a legitimate interest — and indeed an obligation to investigate — where information indicating the commission of SGBV crimes is provided, service providers also must be able to preserve the confidentiality and security of those who approach them for assistance.

places, Government officials were openly hostile with health workers and SGBV focal points often vulnerable to harassment.[72] Where a survivor of SGBV did make a formal complaint, obstacles in the official process often made it impossible to sustain the claim. Not only was medical assistance considered acceptable only if obtained from a designated hospital and designated doctor, but repeated payments were required to maintain the case in the system.[73] Whereas strictly speaking an SGBV allegation triggers state responsibility and does not depend on the capacity of the survivor to support the case, the reality of both attitudes and legal tradition in Somalia is that the matter tended to be viewed as a dispute between two parties. According to a local NGO expert, in one case, for example, the alleged perpetrator and his victim were locked in one cell by a police officer and told to "work it out."[74] Even if the elements of a case were clear, the clan affiliation of the perpetrator, or other connections to sites of power, frequently operated to leave victims without redress. Information was received, for example, on a case in Mogadishu in which two perpetrators were clearly identified as responsible for the rape but clan protection trumped prosecution.[75]

36. It was challenges around the conception of SGBV, as an offence against collective honour in the customary system, however, which created the most insurmountable barriers to the process of seeking justice for survivors.[76] The approach of the customary system is one in which decision making and payment of compensation is between clan groups, women are rarely heard in proceedings, and forced marriage is often an acceptable outcome. In Somaliland, the disturbing phenomenon of gang rape appeared to be even facilitated by the structure of the customary system itself.[77] In a single perpetrator rape, costs are shouldered by one *diya* paying group. Where there are multiple perpetrators, however, payment of compensation is shared between all the relevant *diya* paying groups. Engaging in a gang rape therefore not only diminished the individual sense of responsibility and accountability, it was also 'logical' in cost terms. Individuals perceived to be from communities of lesser value due to their clan or other status — "*looma ooyaan*" or "the un-mourned" — were both much more likely to become victims of SGBV and to be unable to seek justice.[78] In addition to status vis a vis clan or other marker, the relative 'value' of women and men, also influenced approaches to investigation and penalty. One local NGO staff member interviewed by the Monitoring Group, for example, told how the father of one of two young men who had raped a 15 year old

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[72] The Monitoring Group was told, for example, how in some places NGO staff was even fearful of attending meetings with Government officials as it might permit their identity as humanitarian workers supporting SGBV victims to be "revealed". Telephone interview with humanitarian INGO staff member, 20 March 2014.

[73] This requirement was not a matter of law, but of practice. The effect, however, was the same. Interviews with INGO staff member, Nairobi, 12 Feb 2014; and Somali NGO, Nairobi, 15 May 2014.

[74] Telephone interview with Somali women's rights expert, 5 October 2013.

[75] Skype interview Somali human rights activist, 7 March 2014.

[76] Part IX of the Somalia Penal Code (1964) categorises "crimes of sexual violence", for example, under the header of "Crimes against morals and decency". Somalia: Penal Code, 3 April 1964.

[77] Research by the Strategic Initiative on Women in the Horn of Africa focuses, inter alia, on understanding the dimensions of gang or multi-perpetrator rape as it has emerged in Somaliland, forthcoming September 2014. See www.siha.net.

[78] Interview with Somali researcher, Nairobi, 23 October 2014.

girl persuaded police not to pursue the case as his son "had a future." He was a university student.[79]

37. In addition to all these inherent obstacles to prosecution and redress for survivors of SGBV, official postures were adopted which obstructed investigations. The Monitoring Group reported last year in detail on a case in which a number of people connected with a young woman who had made an allegation of rape against a member of the security forces — including the woman's husband — were arrested and ultimately sentenced to terms of imprisonment (S/2013/413, annex 8.2). The danger of making a public allegation of rape was once again highlighted in the last year in two more cases.[80] In the first case, a young woman journalist at Kasmo Voice Women's radio accused two individuals, also with connections to the media, of rape in a video interview.[81] Both the alleged victim and the journalist who had recorded her testimony were arrested further to a complaint of defamation lodged by the alleged perpetrators.[82] On 9 December 2013, the journalist, the director of the media network where he was employed, and the alleged victim were all sentenced to prison or house arrest, although they later paid fines *in lieu*. The two individuals accused of the rape were, however, not charged with any offence.[83] In the second case, a woman who alleged she was abducted by security forces and raped by AMISOM personnel in AMISOM's Maslah camp in August 2013, and the advocates and service providers who supported her, suffered serious harassment and threats.[84]

Violations by international actors

38. Further to its previous report documenting sexual exploitation and abuse (SEA) allegations against AMISOM personnel (S/2013/413, annex 8.2), the Monitoring Group this year also received similar allegations, including of rape, attempted rape and sexual exploitation. One case which generated significant international attention was that of a woman who alleged she was taken from the street by Somali security personnel and later raped by AMISOM personnel at Maslah camp in Mogadishu in August 2013.[85] On 15 August 2013 it was announced that AMISOM and the FGS had formed a "joint team" to investigate the allegation.[86] On 5 November 2014, HRW reported that AMISOM had informed

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[79] Telephone interview with Somalia NGO staff member, 5 October 2013.

[80] Although figures for the second half of 2013 and 2014 are not yet available, it is notable that the number of reports of SGBV made to service providers showed a "significant decrease" in the wake of the January 2013 case. GBV Integrated Management System, "Trends and patterns of gender-based violence in Somalia, Consolidated report from July 2012 to June 2013".

[81] Testimony recorded at https://www.youtube.com/watch?v=olhrZLRjC_Q.

[82] BBC News, "Somali woman journalist arrested for reporting rape", 21 November 2013.

[83] The Monitoring Group has confirmed that one of the two accused had considerable influence within the national security services, and was known to carry a pistol. Interview with Somali activist with knowledge of the case, Mogadishu, 29 April 2014; telephone interview with journalist, 6 August 2014; and interview, Somali human rights expert, Mogadishu, 19 December 2014.

[84] Skype interview with INGO staff member with knowledge of the case, 24 March 2014; interview with diplomat, Nairobi, 3 December 2013. See further discussion of the case below.

[85] The TV interview which triggered the enquiry can be viewed at https://www.youtube.com/watch?v=EoHHQDZyQKE. Human Rights Watch (HRW) found the woman's testimony and hospital records consistent and credible. Human Rights Watch, "Somalia: Deeply flawed rape inquiry: Victim of Alleged Attack by AU Soldiers and Witnesses Harassed", 11 November 2013.

[86] See AMISOM, "AMISOM will work closely with the Federal Government of Somalia (FGS) to investigate allegation of rape against its soldiers in Maslah", Press Release, 15 August 2014.

them that, "AMISOM and the Somali government had determined the woman's allegations to be unfounded."[87] To date, however, there has been no official public statement from either the FGS or AMISOM setting out the findings of their respective investigations into the matter.

39. The preliminary findings of the Monitoring Group with respect to allegations of SGBV and SEA by AMISOM personnel are contained in strictly confidential annex 8.4. In addition, HRW conducted investigations into SGBV and SEA by AMISOM personnel, interviewing both survivors of sexual exploitation and abuse and mission personnel. As part of its research, HRW documented 10 cases of sexual abuse, including rape and sexual assault, and 14 cases of sexual exploitation, some of minors, by AMISOM personnel, in findings that suggested "a much larger problem."[88]

Measures to enhance compliance

40. There were significant developments in the last year in terms of both acknowledging and creating an effective framework for prevention and response to SGBV at federal level. As one United Nations staff member put it "we have moved beyond denial."[89] On 7 May 2013, a Joint Communiqué signed by the FGS and the United Nations on the prevention of sexual violence (the Communiqué) recognised the, "very high numbers of incidents of sexual violence have been reported consistently" and undertook, inter alia, to develop and implement "a comprehensive strategy to prevent and respond to sexual violence" including "a specialized investigation capacity."[90] In mid-2014, a National Action Plan on Sexual Violence in Conflict (NAP/SVC) was agreed. Seven ministries created specific plans of action for their areas of responsibility. The plan developed by the Ministry of Defense and Somali National Army Action, for example, foresees, inter alia, the creation of a specialized complaints unit; reform of military court procedure; and revision of both the Code of Conduct and General Order, alongside the issue of specific operation specific and command orders.[91] Coordinated by the Ministry of Women and Human Rights Development, a Sexual Offences Bill is also under development, supported by a Gender Legislation Committee.

41. There were a number of positive developments which indicated a shift in the posture of AMISOM in acknowledgment of, and response to, the prevalence of sexual exploitation and instances of SGBV. These were reflected particularly in initiatives focusing on standard setting and prevention. In September 2013, AMISOM disseminated a short 'easy to read' guide to the AMISOM Policy on prevention and response to Sexual Exploitation and Abuse (SEA policy) which declared AMISOM's commitment to "rigorous investigation of complaints" and the

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[87] Human Rights Watch, "Somalia: Deeply flawed rape inquiry: Victim of Alleged Attack by AU Soldiers and Witnesses Harassed", 11 November 2013.

[88] Human Rights Watch, *The power these men have over us, Sexual exploitation and abuse by African Union forces in Somalia*, forthcoming September 2014.

[89] Phone interview with United Nations staff member, 19 July 2014.

[90] Communiqué of 07 May 2013, between the Federal Government of Somalia and the UN on the Prevention of Sexual Violence.

[91] Ministry of Defense and Somali National Army Action plan on sexual violence in conflict, on file with the Group.

taking of "disciplinary action."[92] On 3 February 2014, the AMISOM Force Commander issued a Legal Directive on operations in advance of the SNA/AMISOM offensive against Al-Shabaab.[93] The Directive addressed both "SEA" and "rape", noting that the latter could constitute a war crime and directing that any allegations of SEA should be "investigated and action taken without delay," including submission of a report to Force Headquarters.

42. With respect to prevention, AMISOM pre-mission deployment and in-theatre training continued to include instruction on the prohibition on SGBV and SEA and on conduct and discipline issues.[94] Preventative measures were also taken under the direction of the Force Commander such as, for example, the imposition of additional restrictions of movement, designation of off-limit areas and the insertion of gender focal point officers into high risk areas. In addition, and in line with an AU-wide effort by the Peace and Security Operations Division, plans were put in place for the deployment of a Conduct and Disciple Unit to the mission.

43. With respect to enforcement, individual troop contributing countries (TCCs) were primarily responsible for investigating allegations against their personnel,[95] with AMSIOM itself responsible for the civilian component of the mission.[96] In the last year, both Headquarter and Contingent level Boards of Inquiry (BoIs) were established to investigate allegations of SGBV and SEA. Information received by the Monitoring Group indicates that recommendations of AMISOM BOIs led to court-martials, repatriation and criminal prosecutions of offenders. There was, however, no clear, dedicated central mechanism that would safely and independently receive complaints and make preliminary assessments of allegations. The African Union Commission (AUC) has the obligation, for example, to liaise with the TCCs to ensure that states actively investigate, punish as appropriate and compensate of victims. It is not clear, however, the extent to which the findings of contingent level BoIs were forwarded to the SSRC as required. There appeared to be reluctance on strategic grounds to report on the scale of measures taken in response to — as opposed to prevention of — specific incidents of SEA and SGBV. It is apparent that the opacity that surrounds AMISOM's response to specific SEA and SGBV allegations contributes to public concern.

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[92] On file with the Monitoring Group. The emphasis on accountability was reinforced by the inclusion of a special annex to the guide on "conducting effective investigations into SEA".

[93] On file with the Monitoring Group.

[94] See, for example, AMISOM Press release, "AMISOM gender unit conducts workshop on good practices in preventing sexual exploitation and abuse", 1 June 2014.

[95] Individual troop and personnel contributing countries have primary responsibility for the actions of their personnel acting extraterritorially in Somalia. Burundi, Kenya and Uganda have particularly acute obligations relating to the prosecution of sexual violence under the Great Lakes Protocol on the Prevention and Suppression of Sexual Violence against Women and Children, 2006.

[96] AMISOM Status of Mission Agreement (SOMA) between AMISOM and Somalia, March 2007, article 55.

Annex 8.4: Sexual and gender-based violence allegations involving AMISOM personnel (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.5: Recruitment and use of children in armed conflict

Violations by Al-Shabaab

44. Children continued to be recruited and abducted by Al-Shabaab in increasing numbers. In the last quarter of 2013, the United Nations documented 248 cases of recruitment and use of children in armed conflict by Al-Shabaab, more than double the number of reported violations in the previous quarter. A "renewed campaign" at "religious institutions such as mosques and madrasas" was cited for the rise in the number of violations, including through the use of peer-to-peer recruiting.[97] In June 2013, for example, there were public reports that in the preceding period of approximately six weeks, "more than 350 children under the age of 16 ha[d] been taken from Qur'an schools or while playing in the streets of El Bur and surrounding areas."[98] By mid-2014, the Monitoring Group had received information of an intensified focus on Qur'anic schools, including evening schools established with a specific indoctrination and recruitment objective, in particular in villages in Lower and Middle Juba.[99]

45. Public reports confirmed that children living in areas controlled by Al-Shabaab were especially targeted for abduction prior to military assaults, including in the run up to the joint SNA/AMISOM and military offensive against Al-Shabaab.[100] The means and methods of asymmetric and guerrilla warfare favoured by Al-Shabaab rendered children particularly appropriate for direct participation in operations, in addition to providing support services, such as domestic work and information gathering. Children recruited or used by Al-Shabaab were also likely to be subjected to other conduct contrary to international law. In one incident, for example, a 16-year-old boy was executed by the Al-Shabaab for attempted desertion in December 2013.[101] In July 2014, a young girl, reportedly 13 or 14 years of age, was publically executed for espionage in Dinsoor.[102]

46. The Monitoring Group received reports on the recruitment of children outside Somalia for operations inside Somalia or in connection with the conflict in Somalia. Allegations related to different armed groups or militias in Somalia but primarily to Al-Shabaab. In Kenya it was reported that radicalization of children through a particular madrassa and the use of internet technology to reach children abroad

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[97] Global Horizontal Note (GHN), Monitoring and Reporting Mechanism of Grave Violations against Children in situations of Armed Conflict (MRM), Reporting Period October-December 2013, on file with the Group; also interview, human rights NGO staff member, Mogadishu, 29 April 2014.

[98] Sabahi Online, "Somalia: Al-Shabaab abducting children from Central Somalia," 25 June 2013.

[99] Interview with Somali human rights activist, Nairobi, 14 April 2014, Nairobi. Specific reports were received in this regard with respect to Kalanje, Gaduudeey, Mareer Camp and Faanoole in Middle Jubba and Shongole, Mafuula, Kawan, Jamaame and Bangeeni in Lower Jubba. E-mail, expert on human rights in Somalia, 1 July 2014.

[100] There were 282 violations relating to recruitment by all actors in the conflict recorded and verified by the MRM during the 1st quarter of 2014, with 171 violations relating to recruitment attributed to Al Shabaab. GHN, MRM Reporting Period January-March 2014, on file with the Group; see also skype interview United Nations staff member, Nairobi, 6 August 2014.

[101] Report of the Secretary-General, Children and Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), paragraph 118.

[102] Sabahi Online, "Al Shabaab executes 14 year old girl in Dinsor", 23 July 2014. The Group verified the conduct of the execution with three sources on the ground. Phone interview, 8 August 2014.

occurred in both the refugee settlements and in Nairobi.[103] In mid-November 2013, it was reported that the Tanzanian authorities had "broken up" an Al-Shabaab training centre in Tanga region which had included the participation of, inter alia, children between 4 and 13 years of age.[104]

Violations by other groups

47. Although the SNA made efforts to vet recruits and eliminate the use of children in their operations, violations of the prohibition on using children in armed conflict continued to be reported. During 2013 the United Nations documented and verified 209 cases of recruitment and use of children by the SNA.[105] Children accompanied adult SNA soldiers during combat deployments, managed checkpoints and were used for intelligence gathering.[106] Militia allied to the SNA also recruited and used children, with 111 violations by Ahlu Sunna wal Jama'a (ASWJ) alone recorded by the United Nations in 2013.[107]

48. One result of the tactical deployment of children by Al-Shabaab was the targeting of children in turn by the Somali state security forces during arrest and detention sweeps in the wake of Al-Shabaab attacks or advance security alerts. At least 1,009 children were arbitrarily arrested and detained by the SNA during 2013.[108] In the first three months of 2014 incidents of "mass arrest and illegal detention of children" during "security operations" or in the wake of take-over of towns from Al-Shabaab were also reported.[109] Although many were quickly released, these operations sometimes resulted in additional violations of their rights. It was reported for example that in 2013, 11 girls who had been arrested and detained were also raped.[110]

49. Notwithstanding the increased military operations against Al-Shabaab and recovery of former Al-Shabaab held territory, during the last two years three were few recorded referrals from the FGS of children separated from armed groups encountered by the SNAF. Only 41 children were handed over by the security services to child protection agencies to be provided with community based reintegration support during 2013.[111] There was therefore little external visibility on the ground on the conditions of reception and treatment of children. It is not clear,

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[103] Interview with Somali human rights NGO, April and May 2014, Nairobi; interview with Somali refugee community member, Nairobi, 23 April 2014, Nairobi; interview with journalist, Nairobi, 10 March 2014.

[104] Sabahi Online, "Tanzania dismantles al-Shabaab child indoctrination camp in Tanga region", 15 November 2013.

[105] Report of the Secretary-General, Children and Armed Conflict, 15 May 2014 (A/68/878-S/2014/339),paragraph 116.

[106] Interview with Somali human rights NGO staff member, Mogadishu, 29 April 2014.

[107] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 116.

[108] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 117.

[109] United Nations Monitoring and Reporting Mechanism for Grave Violations of Child Rights, January to March 2014 Update, Vol. 6. 2014. Article29 of the Somali Provisional Constitution provides for the protection of children from mistreatment and detention only as a "last resort, for a limited time, in appropriate conditions". Provisional Constitution, 1 August 2012.

[110] Ibid.

[111] Ibid.

for example, to what extent children have been subject to trial for offences related to their involvement in armed groups.[112]

50. Fifteen cases of recruitment and use of children were attributed to the Somaliland armed forces by the United Nations during the same period.[113] Children sometimes assumed positions in the ranks of the armed forces when a serving family member died.[114] In addition the Monitoring Group received credible reports of an escalation of recruitment and mobilisation, including of children between 15 and 18 years old, by the Somaliland security forces, for participation in the context of increased military activity in Sool and eastern Sanag in 2014.[115]

51. Traditionally within Somali customary law children under the age of fifteen did not participate in clan hostilities unless there was exigent necessity. This latter prohibition has dissolved, however, during the last twenty years of conflict.[116] In the last year, resurgent inter-clan fighting saw increased deployment of children by clan militia, in some cases the same militia involved in joint operations with elements of the SNA. These phenomena were particularly observed in Lower Shabelle, Middle Shabelle and in Sool and eastern Sanaag (see for instance the image below).[117]

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[112] Somalia has consistently endorsed the Paris Commitments which provide that children accused of crimes under international law "should be treated in accordance with international standards for juvenile justice, such as in a framework of restorative justice and social rehabilitation. Principle 11, Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups.

[113] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 116; interview with United Nations staff member, Hargeisa, 8 January 2014.

[114] Interview with human rights expert, Hargeisa, 7 January 2014. Also see report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339), at paragraph 116.

[115] Interview with UN staff member, Hargeisa, 8 January 2014; interview UN staff member, Hargeisa, 7 January 2014; interview with NGO staff member, Nairobi, 31 July 2014.

[116] Alasow, Omar Abdulle, *Violations of the Rules Applicable in Non-International Armed Conflicts and Their Possible Causes, the Case of Somalia*, Martinus Nijhoff Publishers, 2010 at page 226.

[117] Interview with human rights NGO, Mogadishu, 29 April 2014; report of a UN mission which observed "teenagers with AK47s" in Marka, Interagency mission report to Marka, 9 July 2014, on file with the Group; interview, diplomatic source, 14 May 2014, Nairobi. See, also, GHN, MRM, Reporting period, April to June 2014 Update Vol. 7, 2014.

Young boy being driven through the streets of Mogadishu in a vehicle identified as belonging to the Hawiye/Habar Gedir/Ayr militia leader Yusuf Mohamed Siyaad 'Indha'adde' (photograph taken by an individual known to the Monitoring Group, 9 November 2014)

52. During 2013, there were 14 cases of association of children with AMISOM recorded and verified by the United Nations.[118] The Monitoring Group interviewed one eyewitness of a young boy operating a checkpoint in the presence of AMISOM troops at Huriwa in Mogadishu.[119] Credible reports were also received of the involvement of Ethiopian forces in recruitment of children between 15 and 18 for Somali militia groups.[120]

Measures to enhance compliance

53. Notwithstanding the difficult situation on the ground, in the last year some efforts have been made to enhance the legal and policy framework for prevention of violations relating to the association of children in armed conflict.[121] During 2013, UNICEF supported "the reintegration of 1,100 children (863 boys and 237 girls) formerly associated with armed forces or groups" at five centres in Mogadishu, Afgoye, Baidoa, Wadajir, Dhusamareb, Guriel and Merka.[122] In May 2013, an FGS

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[118] Report of the Secretary-General, Children in Armed Conflict, 15 May 2014 (A/68/878-S/2014/339),at paragraph 116.

[119] Interview with human rights NGO, Mogadishu, 29 April 2014.

[120] Telephone interview with UN staff member, 18 July 2014; interview with expert with knowledge of practices of Ethiopian forces in Somalia, Nairobi, 27 July 2014.

[121] In 2012 the then Transitional Federal Government (TFG) signed two action plans: one relating to Ending the Recruitment and Use of Children in Armed Conflict and the second one relating to Ending the Killing and Maiming of Children. They have since been endorsed by the FGS.

[122] GHN, MRM, Reporting Period October-December 2013, on file with the Group.

national programme for the treatment and handling of disengaging combatants and youth at risk in Somalia was announced.[123] An important step forward in operationalising this programme was the adoption of the Standard Operating Procedure (SOP) for the Reception and Handover of Children Separated from Armed Groups in late February 2014."[124]

54. With respect to the SNA, the development of guidelines for determining the age of recruits is underway. On 29 June and 12 July 2014, the first screening of SNA personnel was conducted at the Jazeera Training facility in Mogadishu by a joint United Nations, AMISOM, EU Training Mission (EUTM) and SNAF screening team. Plans were also advanced for the establishment of a Child Protection Unit (CPU) within the SNA with unit personnel already identified at headquarters level.[125] The obligations of AMISOM towards children escaping or otherwise separated from armed groups were further clarified by the adoption in June 2014 of the Standing Operational Procedures for the Handling of all Persons Detained by AMISOM (AMISOM detention SOPs).[126] These SOPs contain detailed provisions on the treatment of detainees, including the special treatment that must be accorded to minors.[127]

55. With respect to the potential for holding accountable those who commit violations relating to the recruitment and use of children in armed conflict, Somali national law does not currently criminalise such conduct.[128] Nevertheless, the Provisional Constitution provides that every child, defined as a person under 18 years of age, "has the right to be protected from armed conflict, and not to be used in armed conflict" (article 29 (6)). Somalia has also signed but not ratified the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict.

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[123] National programme for the treatment and handling of disengaging combatants and youth at risk in Somalia, Component 6, "Children Associated with Armed Groups", on file with the Group.

[124] Direction 1, Standard Operating Procedure (SOP) for the Reception and Handover of Children Separated from Armed Groups, on file with the Group.

[125] Internal United Nations briefing document, 13 August 2014.

[126] Standard Operating Procedures for the Handling of all Persons Detained by AMISOM, on file with the Monitoring Group.

[127] In terms of implementation of the SOPs, a Women and Child Protection Officer was appointed and an additional Child Protection advisor to AMISOM was under recruitment.

[128] See, inter alia, Articles 8 (2) (b) and (3) of the Rome Statute of the International Court which reflects international customary law in this regard.

Annex 8.6: Forced displacement

Conflict-driven displacement

56. In an increasingly tumultuous political and security environment, both the military offensive against Al-Shabaab and escalation and spread of inter-clan conflict over economic and political resources caused new cycles of displacement. Inter-clan fighting not only resulted in the unlawful killing and wounding of civilians but displaced tens of thousands of people. In June 2014 alone, for example, the United Nations High Commissioner for Refugees (UNHCR) and its partners tracked 8,200 movements of people as a result of inter-clan conflicts.[129] Forced displacement of the population was not only an indirect consequence of the violence but a key objective in some cases, with allegations of 'ethnic cleansing' in Lower and Middle Shabelle.

57. The first phase of the joint SNAF/AMISOM offensive against Al-Shabaab resulted in significant new displacement of over 72,000 people as communities either fled in anticipation of the violence or were ordered to leave their homes alongside retreating Al-Shabaab units.[130] As Al-Shabaab sought to tighten its control of territories and populations, forced confinement was also experienced. This occurred both in advance of the offensive[131] and in its aftermath when Al-Shabaab effectively besieged towns and prevented people from returning to newly Federal Government of Somalia (FGS)/AMISOM controlled areas. Even in the wake of the 'recovery' of areas from Al-Shabaab control additional displacement sometimes occurred. Families perceived to be associated with Al-Shabaab, for example, were sometimes forcibly displaced by Government security forces.[132] At the same time, others who wished to return to the 'recovered' area were often reluctant to do so, fearful of the consequences threatened by Al-Shabaab, and, not least, reversal of FGS territorial control.[133] The overall protection situation of displaced populations was precarious. A United Nations mission to Belet Weyne at the end of March 2014, for example, estimated that 86 percent of the new arrivals (5,688 people — primarily women and children) were only able to access only one meal, or less, a day: "some children look wasted while the aged and lactating women are quite weak and appear starving."[134]

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[129] UNHCR, Somali South Central Dashboard (SSCD), 1 June-30 June 2014 at UNHCR, Refugees in the Horn of Africa: Somali Displacement Crisis, Information sharing portal.

[130] By the beginning of July 2014 UNHCR's population movement trend analysis (PMT) showed that almost 90,000 movements of people had taken place in 2014, with at least 68,200 of those recorded since the beginning of March 2014. See UNHCR, PMT data, July 2014 available at http://data.unhcr.org/horn-of-africa/country.php?id=197. It is important to note that these figures reflect population trends, however, and not cumulative data as such.

[131] In November 2013, in the wake of a statement by the FGS that it would attack Barawe and other towns in Lower Shabelle, for example, Al-Shabaab officials warned residents that vehicles would be confiscated and passengers fined if they attempted to leave. E-mail, reliable NGO source, 28 November 2013.

[132] It was reported, for example, that the SNA forced particular families from Ceelcade, near Ceel Gudud in Gedo to leave the town with the threat that they would be killed if returned. E-mail, reliable NGO source, 2 April 2014.

[133] Sabahi Online, "Somalia: Somalis displaced by military offensive pressured by government to return home", 17 April 2014.

[134] OCHA, Inter-agency assessment, Initial Investigation Report, 31 March, 2014, on file with the Monitoring Group.

'Development'-driven displacement

58. Against the background of increased land values and a construction boom in Mogadishu, forced evictions from urban areas were carried out by both public and private actors, and sometimes, pre-emptively, by gatekeepers. In the majority of cases evictions were carried out by private actors in relation to public land which had been acquired privately.[135] The scale of forced evictions increased in the last year with as many as 27,000 people evicted from different settlements in Mogadishu in November and December 2013 alone.[136] Between January and mid July 2014, 2,483 households (approximately 15,000 people) in Mogadishu received eviction notices.[137] Already 11,000 individuals had been evicted by early July 2014, the majority of whom were internally displaced persons (IDPs). The circumstances in which forced evictions were carried out also resulted in the violation of other fundamental human rights. On 14 August 2013, for example, an 8-year old boy and a woman, a mother of nine, were killed and many wounded when security forces opened fire in the course of protests sparked by the service of a notice to quit Government land in Hodan.[138] The killings were never investigated.[139]

59. Although public authorities generally provided sufficient notice when evictions from its own land were ordered, the FGS failed to take effective steps to either prevent or investigate the violations caused by unlawful evictions and related abuses, whether by private or public actors. In September 2013, a Compact for the Protection Against Forced Evictions (the Compact) was drafted with the assistance of UNHCR. Unfortunately the Compact was neither formally adopted nor implemented. Eventually the provisions of the Compact were included in a draft Policy Framework on Displacement within Somalia.[140] Delay in adopting this framework, however, added to the difficulty of challenging and responding to illegal acts.

60. In January 2013, the FGS declared that it was preparing to arrange for the relocation of more than 300,000 IDPs from the centre of Mogadishu to areas outside the city.[141] United Nations engagement in support of the plan was rooted in the need to ameliorate the security, protection and sub-standard living conditions prevailing. As problems were experienced with the security of the site and issues around land tenure, however, the plan was put on hold.[142] Meanwhile, in order to pre-empt both official relocation plans and the ongoing evictions, gatekeepers and others began to proactively forcibly relocate IDPs, intent on maintaining control over their income

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[135] Telephone interview with United Nations staff member, 18 July 2014. Serious concerns have been expressed about the management of the land registry which appears to be in private hands. Interview with United Nations staff member, Nairobi, 24 January 2014.

[136] Report of the Secretary-General on Somalia (S/2014/140), paragraph 4.

[137] UNHCR, Forced evictions in Mogadishu Infographic, January to mid July 2014, UNHCR, Refugees in the Horn of Africa, Somali Displacement crisis, Information sharing portal.

[138] Amnesty International, *No Place like home, Returns and relocations of Somalia's displaced*, 2014, at page 41. Three days later security forces returned and bulldozed the area, destroying homes and means of livelihood.

[139] Phone interview with researcher who had interviewed and worked with the families, 28 July 2014.

[140] Ministry of Interior and Federalism, FGS, Policy Framework on Displacement within Somalia, Revised draft (IDP Policy draft), 16 March 2014, section 1, on file with the Group.

[141] Office of the President, Statement, "Relocation of Urban Refugees to Officially Designated Camps", 16 January 2013, on file with the Group.

[142] Interview with former senior humanitarian INGO staff member, Nairobi, 20 March 2014.

streams.[143] In the new locations (mainly between K7 and K14 on the Afgoye corridor), gatekeepers replicated their grip on communities. It was reported that in some places gatekeepers continued to tax at least 10 percent of inputs received by IDPs, in addition to engaging in diversion higher up the chain.[144]

61. The forced movement of families and communities from places where many had resided for decades in the city fragmented social networks.[145] As a result, the protection situation of IDPs deteriorated, affected by reduced livelihoods opportunities on the outskirts of the city, limited humanitarian presence and entrapment by gatekeepers. The situation also led to heightened insecurity. Increasing inward displacement into the area in the second half of 2014 — as a result both of the Al-Shabaab offensive and inter-clan conflict in Lower and Middle Shabelle — greatly exacerbated the humanitarian situation and contributed to further undermining security.[146] By July 2014, malnutrition rates among IDP communities in and around Mogadishu had surpassed emergency thresholds.[147]

Forced displacement and the protection against non-refoulement[148]

62. There was growing pressure on Somali refugees and migrants from host counties to return to Somalia. Two of the most intense efforts to both screen and remove Somali immigrants and refugees unfolded in the Republic of Kenya and the Kingdom of Saudi Arabia (KSA). Instances of both direct, and indirect, refoulement and, in some cases, in further internal displacement of deportees, occurred.

63. In Kenya over the last three years it has been progressively difficult for asylum seekers and refugees to request, assert, and enjoy, lawful residence and protection from non-refoulement. In October 2011, refugee registration was halted in Dadaab refugee camp and urban refugee registration suspended the following year. Since then official registration has only sporadically re-started. As a result of these restrictions, many who were in fact refugees were unable to assert the fact, thus rendered more vulnerable to refoulement. At the same time, there was a strong presumption that many of those fleeing Somalia were refugees, including in the context of Kenya's adherence to the 1968 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.[149] In January 2014, UNHCR issued an updated note on protection considerations from Somali asylum seekers urging that

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[143] The entrenched gatekeeper-run system of aid diversion and exploitation of displaced populations was documented by the Group in previous reports (S/2013/413, annex 7.2); and interview with United Nations staff member, Nairobi, 18 July 2014.

[144] Interview with senior United Nations official, Mogadishu, 23 November 2013; and telephone interview with senior United Nations official, 27 July 2014.

[145] Telephone interview with former humanitarian INGO staff member, 20 March 2014.

[146] For example, between 1 June and 9 July 2014, 8251 people were registered as being displaced into Mogadishu from Lower Shabelle alone. Internal United Nations document, 17 July 2014, on file with the Group.

[147] Food and Agriculture Organisation, Food Security and Nutrition Analysis Unit, "Early Warning Alert: Food Security worsens as Drought looms in Somalia — Emergency unfolding among Mogadishu IDPs", 7 July 2014.

[148] Violation of the prohibition has both a territorial and extraterritorial effect with the impact of the violation being felt in the two jurisdictions engaged.

[149] Organization of African Unity (OAU), Convention Governing the Specific Aspects of Refugee Problems in Africa, (OAU Convention) 10 September 1969, [1001 U.N.T.S. 45.]

"Somali nationals should not be forcibly returned to Somalia unless the returning state is convinced that the persons involved would not be at risk of persecution."[150]

64. In April 2014, Kenya security forces launched a major immigration verification exercise, intended to both identify undocumented persons or individuals with criminal convictions within the refugee population, and to enforce a new encampment directive. The intensity and scale of the operation, involving the arrest and detention of thousands of Somali nationals and refugees (and occasionally Kenyan nationals of Somali origin), alongside immigrants and refugees of other nationalities, was considerable. Refugees were forcibly relocated to the camps, frequently with no time to gather belongings, reunite family or order their affairs. Thousands of others relocated 'spontaneously' to the camps or returned to Somalia. Between 9 April and 20 May 2014, 359 Somalis were detained and officially removed or expelled to Somalia.[151] Despite limited access, UNHCR was able to identify that 6 formally recognised refugees or registered asylum seekers had been returned in breach of the prohibition on refoulement, including one refugee woman who had been separated from her three children, and an unaccompanied minor who had never before been to Mogadishu.[152] Negotiations were advanced for the readmission of these individuals to Kenya, although the process had stalled in the past.

65. Serious questions existed, however, as to whether the return of the others in this group — in addition to many others of those induced to leave 'voluntarily' — had also violated the prohibition on refoulement and had amounted to forced displacement in violation of international law. The circumstances of the asylum and refugee protection regime in Kenya as a whole at the time included: restrictive registration practices; reduced services and rising insecurity in camps; harassment, assault and arbitrary arrest in urban areas; and exclusionary official rhetoric. Taken as whole this environment was one in within which it was likely that constructive refugee refoulement occurred. Since soon after the beginning of the verification exercise, the number of daily flights to Mogadishu from Kenya had doubled, with between 320 to 480 passengers a day arriving in Mogadishu. Ninety per cent of those arriving were reported by UNHCR to have arrived on "go home" documents issues by the Somali Embassy in Nairobi.[153]

66. Return movements from outside Somalia not only contributed to increasing internal displacement but sometimes rendered returnees particularly vulnerable to other violations of their rights.[154] On 13 February 2014, two deportees from the Kingdom of Saudi Arabia were killed, and four others were injured, for example, in an attack on a UNHCR convoy on the very day they arrived in Somalia. Many returnees lived in fear, including in relation to perceptions as to their allegiances,

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[150] UNHCR, International protection considerations with respect to people fleeing Southern and South Central Somalia, January 2014.

[151] Figures provided by UNHCR indicate that 83 individuals were returned on 9 April 2104; 91 on 17 April 2014; 87 on 3 May 2014; and 98 on 20 May 2014.

[152] Information provided by UNHCR to the Monitoring Group, accurate as of 18 July 2014.

[153] Phone interview with UN staff member, 17 July 2014.

[154] UNHCR has confirmed that, "[m]any of those deported have found themselves in an IDP-like situation in Mogadishu". UNHCR. "Position on Returns to Southern and Central Somalia," June 2014. Interview with Somali researcher, Nairobi, 24 March 2014.

having come home from living abroad.[155] Some were susceptible to accusations or suspicions of intelligence gathering, particularly by Al-Shabaab, but also by Government or Government-allied forces.[156] It was reported, for example, that a deportee from the Kingdom of Saudi Arabia was "accidently" shot in Baidoa in February 2014 during questioning about possible Al-Shabaab affiliation.[157] Unverified public reports claimed that Al-Shabaab may have engaged in recruitment of those forcibly returned.[158] In its report "No Place like Home", which reflects research carried out in late 2013, Amnesty International identified the difficulties faced by Somali refugees in contemplating safe and dignified return to Somalia including, "lack of access to land or livelihoods, inability to realize an adequate standard of living, risk of conflict and serious human rights abuses."[159]

Measures to enhance compliance

67. Between August 2012 and January 2014, an IDP Voluntary Return Programme coordinated by UNHCR's Returns Consortium supported 10,909 families (approximately 40,000 individuals) to voluntarily return to Bay, Middle and Lower Shabelle, Hiraan and Bakool.[160] By mid-2014, there were approximately 5,000 spontaneous returns from Yemen. These returns were mainly to Puntland but also to parts of South Central Somalia.[161] In March 2014, a draft Policy Framework on Displacement within Somalia (IDP policy) was drawn up by the Ministry of Interior and Federalism with assistance from the Office of the United Nations Special Rapporteur for IDPs and UNHCR. It has not yet, however, been formally adopted.[162] Critical to finding durable solutions for those displaced was the debate on, and re-conception of, citizenship. A number of initiatives got underway during the last year, including a project to develop amendments to the 1962 Citizenship Act led by the Ministry of Interior and Federalism.

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[155] See, for example, Mary Harper, BBC News, "Somalis sent home in fear of al-Shabaab", 16 June 2014.

[156] In early March 2014 for example UNHCR received reported that a number of deportees from the Kingdom of Saudi Arabia were among those swept up in a mass arrest of over 150 civilians on suspicion of Al-Shabaab affiliation. E-mail, UN staff member, 14 August 2014.

[157] E-mail, reliable NGO source, 6 February 2014.

[158] Mareeg Online in English, "Somalia: Al-Shabaab Reportedly Starts Training of 20 Men Deported From Kenya", 14 May 2014. As of 18 June 2014 64% of those returned from Saudi Arabia and Kenya since December 2013 were men and boys, with 13% under 18. IOM, IOM Situation Report on Somali returns No. 10, 19th June-11th July 2014 on file with the Group.

[159] Amnesty International, *No Place like home, Returns and relocations of Somalia's displaced*, 2014, at page 9. See also See UNHCR, International Protection Considerations with Regard to People Fleeing Southern and Central Somalia, 17 January 2014.

[160] An independent assessment of the programme published in July 2014, however, raised questions about the sustainability of this return, both in terms of ongoing insecurity and access to services in the place of origin. UNHCR/Returns Consortium, "Somalia, Towards Durable Solutions, Achievements and challenges in supporting voluntary returns of IDPs in Somalia," July 2014, on file with the Monitoring Group.

[161] E-mail, United Nations staff member, 14 August 2014.

[162] Ministry of Interior and Federalism, FGS, Policy Framework on Displacement within Somalia, Revised draft, 16 March 2014, section 1, on file with the Group.

Annex 9

Violations of the ban on charcoal

Annex 9.1: Charcoal production, transportation and stockpiling

Charcoal production areas

1. Through December 2012, the most significant charcoal production areas were located north of Kismayo. The main production sites were initially located in the Jilib, Bu'aale and Saakow Districts of the Middle Jubba Region, and in the Jamaame, Afmadow and Kismayo Districts of the Lower Jubba Region. Since the beginning of 2013, the main charcoal production moved southwards towards Badhaadhe District (see S/2013/413, annex 9.2), including areas near Buurgabo and Ras Kamboni close to the Kenyan border, as well as areas closer to the main point of export, the port of Kismayo.[1] These gradual changes in production areas may reflect, by mid to late 2013, evolving trade links with Al-Shabaab and efforts to shift production towards areas under the control of the Interim Jubba Administration (IJA), in particular the port of Kismayo area.

2. The production of charcoal in some areas under Al-Shabaab control, such as Bu'aale, Saakow, Jamaame and Jilib has reportedly been reduced somewhat, while it has increased in locations south of Kismayo such as Kudhaa (also spelt "Koday", Lower Jubba, close to Chula and Madhawe islands), Sool Duubo (Afmadow, Badhaadhe-Kismayo triangle, Lower Jubba), Cabdale Biroole (close to Kismayo, inhabited by the Awrmale sub-clan), and Ceel Cad (near Kismayo). Production has also increased in areas further away from Kismayo and closer to Barawe, such as Weelweyn (between Middle Jubba and Lower Shabelle, close to Bay region), which is under Al-Shabaab control.

3. Although large-scale production of charcoal in Badhaadhe district culminated in the months surrounding January 2013, production in the district has somewhat stagnated since, due to competition over profit sharing within the overall business. Al-Shabaab, which de facto controls the surrounding outskirts of the district capital, Badhaadhe, and the rural bush areas, has impeded charcoal production by others in the area. It has effectively tried to reduce the IJA's profit share from charcoal taxation and export duties at the main and most efficient port of Kismayo, and it has introduced higher taxation fees at checkpoints in areas they do control (see further below on checkpoints), in order to reap a greater benefit from the charcoal trade.[2]

4. Nevertheless, despite Al-Shabaab imposing heavier taxation on the movement and transactions of charcoal in Badhaadhe District, production is still ongoing due to the efforts of charcoal traders to maintain the viability of the trade in the area. When some Al-Shabaab 'Emirs' restrict charcoal production and trading from which they do not directly benefit, charcoal producers tend to transport the wood from the cut trees to other places to burn it into charcoal. One such alternative assembly point for wood and charcoal is between Kudhaa, controlled by Al-Shabaab, and Buur Gabo, controlled by the Ras Kamboni Brigade. Overall, regardless of who is in control of production areas, transport routes or export points, charcoal producers

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[1] Information obtained from confidential local sources in communication with the Monitoring Group between May and July 2014.

[2] Information obtained from confidential local sources in communication with the Monitoring Group between May and July 2014.

and traders are believed to have signed agreements with each local authority on the ground, enabling the supply chain of the trade to operate seamlessly.[3]

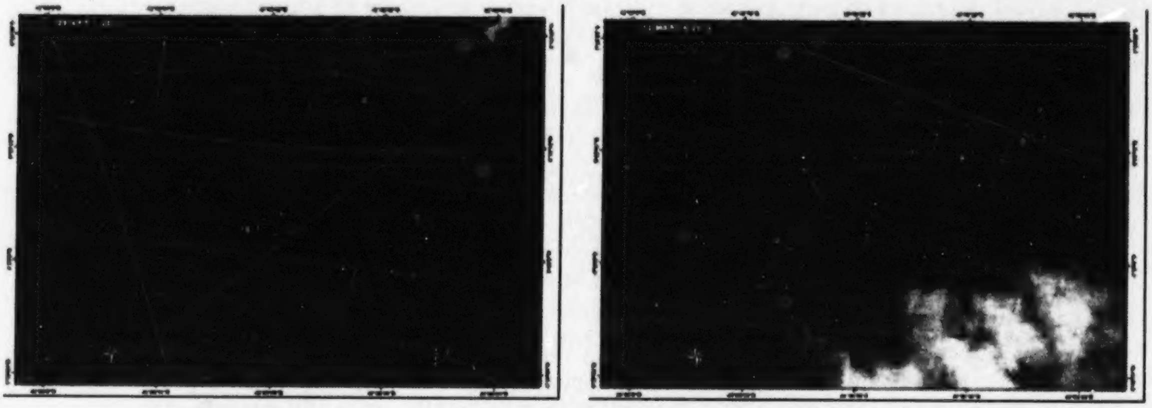
Satellite imagery of production areas

5. The Monitoring Group was not able to further document changes between 2013 and 2014 in the location of sites and increases or decreases in the scale of charcoal production at each site. Nevertheless, the Group found that despite decreases in some of the main charcoal producing areas, such as Jilib and Badhaadhe, production has continued. The effects of logging, proliferating burning sites and spreading road access can be seen in the analysis of recent high resolution satellite images provided to the Monitoring Group by SWALIM (Somalia Water and Land Information Management).[4]

Sample images of Jilib District

6. The following satellite images illustrate three locations in Jilib District where charcoal production has continued between 2013 and 2014. The images show an increase in the number of production sites (black spots), more bush-road networks and greater environmental degradation.

Area 1, Jilib District on 29 April 2013 and on 13 March 2014



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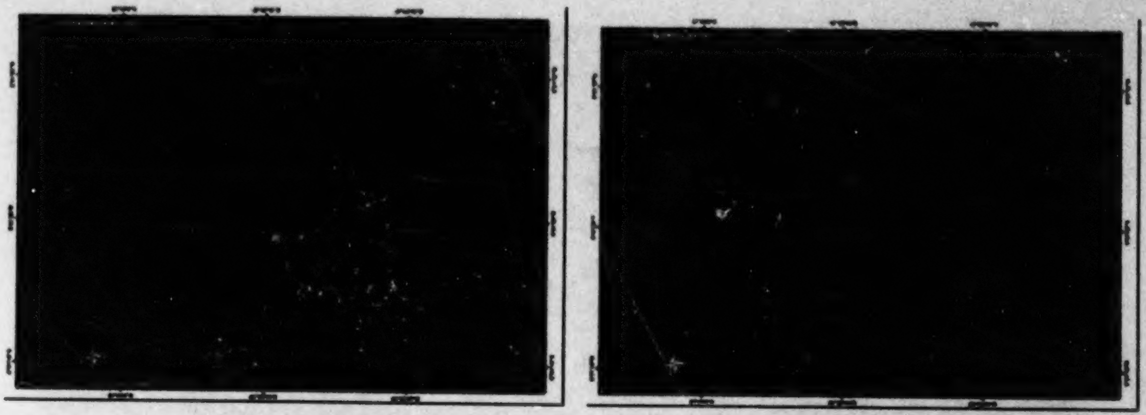
[3] At the production sites, the charcoal traders hire men in groups ranging in number from 10 to 20 at each site, and provide them with tools, donkey carts, monthly food rations, medicine, and water, while their families are given money to purchase food. When the charcoal is ready, the traders provide empty bags for the charcoal to be packed. A hired truck will then be sent to the site to transport the charcoal to the storage sites at the export points, such as the port of Kismayo. The charcoal burners are paid after the production has been completed, with a deduction for all the expenses incurred during the production of the charcoal. The payments are mostly insufficient to sustain livelihoods, and the men therefore return to the production sites to earn more. Information obtained from confidential local sources in communication with the Monitoring Group between May and July 2014.

[4] Although SWALIM has the potential to monitor the changes in sites and scale of production, they do not at present have a full system and resources in place to make such comprehensive satellite imagery analyses from which the overall volume of charcoal production can be estimated. The objective of the SWALIM methodology is primarily to document the devastating environmental effects of charcoal production.

Area 2, Jilib District, on 13 February 2013 and on 13 March 2014



Area 3, Jilib District, on 13 March 2013 and on 13 March 2014

Sample images of Badhaadhe District

7. In September 2013, SWALIM conducted a satellite imagery analysis of charcoal production in Badhaadhe District, in which it compared three areas between 2010 and 2013.[5] The images reveal a shift in the location of production in the district by January 2013, corresponding to the increase in charcoal production at that time. The three areas investigated are outlined in green in the satellite image shown below. The RGB 432 band combination displays in red color the vegetation cover. The blue dots represent the charcoal burning sites in 2010, while the yellow dots represent the charcoal burning sites in 2013.

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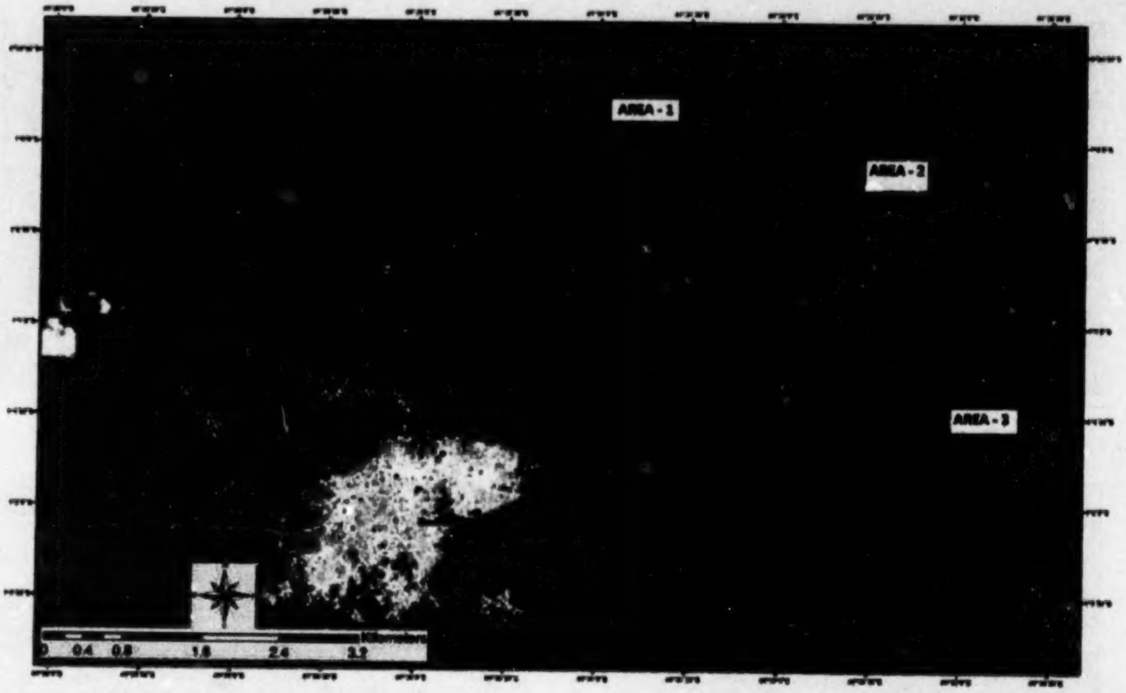
[5] Badhaadeh VHR analysis for the detection of charcoal production sites, SWALIM, Nairobi, September 2013.

Shifts in charcoal production areas in Badhaadhe District between 2010 and 2013



8. Notably, in Areas 1 and 3 no more charcoal production activity is detected after 2010. Sites cleared for production before 2010 show little change between 2010 and 2013, and in some places a moderate vegetation regrowth is evident. By 2013, logging activity had shifted to Area 2, where larger trees are more concentrated compared with the other two areas.

9. In the two satellite images of Area 2 below, a considerable increase in the number of production sites can be seen between 2010 and 2013. On the left is a January 2010 image, in which 13 charcoal burning sites, outlined in green, can be detected. A network of new tracks and roads encroaching on the forest has already developed. The coarser grain and the brighter red color indicate trees larger than the ones in the surrounding area. On the right is a January 2013 image showing a dramatic increase in the number of charcoal burning sites (the 26 yellow circles), as well as a well-developed network of tracks and roads.[6]

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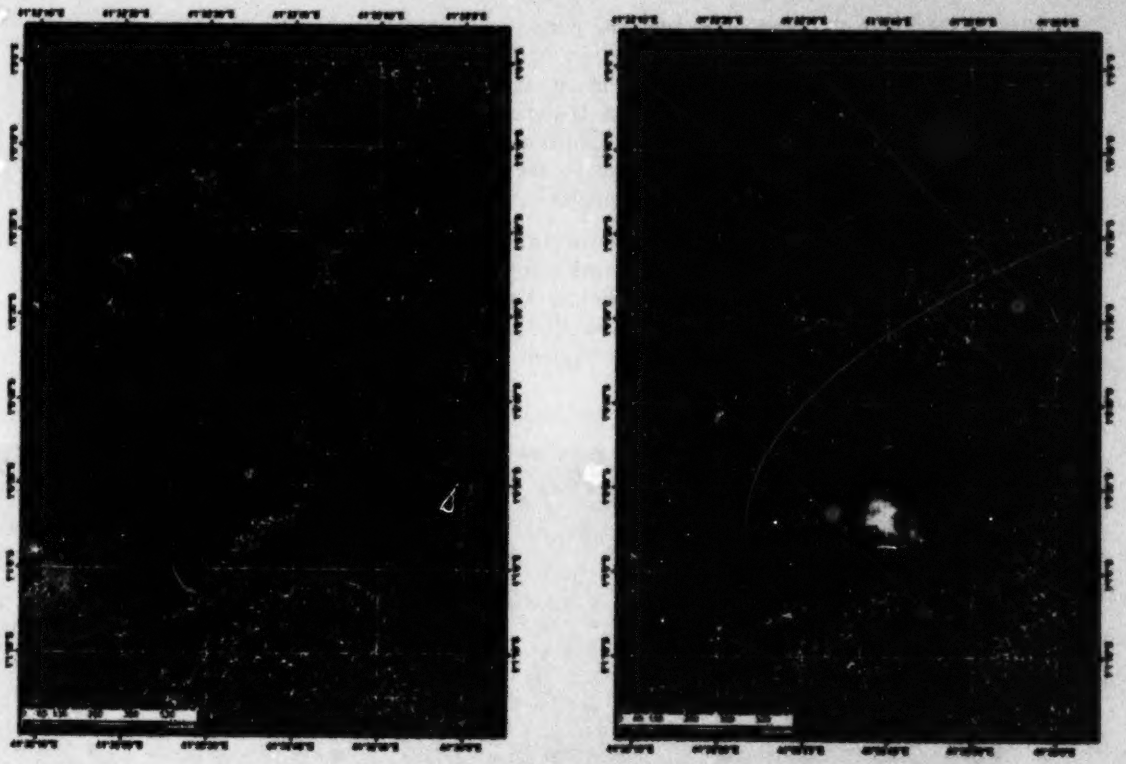
[6] The following VHR images were used. Left image: GeoEye-1 (0.5 m spatial resolution) acquired by SWALIM on 11 January 2010. Right image: WorldView - 2 (0.46 m spatial resolution) acquired by SWALIM on 10 January 2013.

Increase in charcoal production sites in one area of Badhaadhe District between 2010 and 2013



Charcoal supply pipeline and value chain

10. The charcoal transportation pipeline stretches from production sites to the stockpiling or storage locations at points of export. These include Kismayo (controlled by IJA's Ras Kamboni Brigade and the Kenya Defence Forces (KDF) contingent of AMISOM), Baraawe (controlled by Al-Shabaab) and the smaller ports south of Kismayo, such as Buur Gaabo (controlled by the IJA), Anole (controlled by the Harti clan/Al-Shabaab), Koday (controlled by Al-Shabaab) and Koyaama (controlled by Al-Shabaab). The transportation pipeline is run by groups of charcoal traders, often referred to locally as private companies or associations (see S/2013/413, annex 9.1 and annex 9.2).

11. Currently, an estimated average of 20 trucks, each carrying approximately 5 to 12 tons of charcoal, arrives at the port of Kismayo on a daily basis.[7] However, the exact number of trucks arriving may vary according to the production and monsoon seasons. Depending on the relative number of small trucks (carrying 200 bags) and large trucks (carrying 480 bags), the number of charcoal bags delivered to Kismayo can range between 4000 and 9600 daily. A conservative estimate suggests that at

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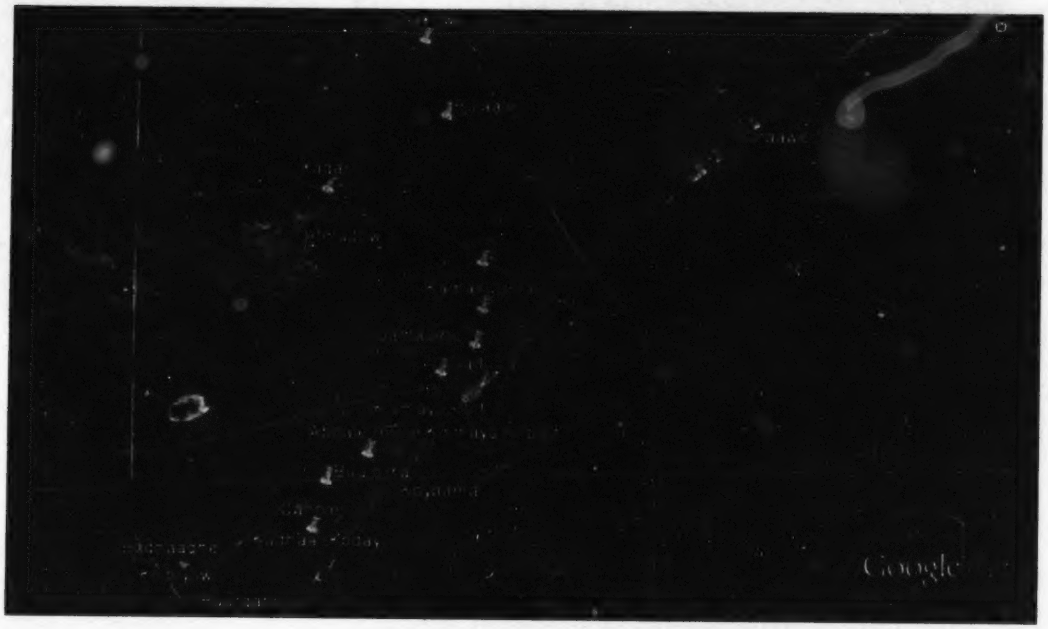
[7] Information obtained from confidential local sources in communication with the Monitoring Group between May and July 2014. Calculations are based on 25 kilogram bags, which is the average size of charcoal bag, though they can be larger (up to 50 kilograms) or smaller.

least 200,000 bags of charcoal are delivered to the port of Kismayo per month, and perhaps 280,000 bags or even more during peak months.

12. Between the production sites and ports, the charcoal trucks pass at least two checkpoints, where they are taxed by the local armed group. Most of these checkpoints are controlled by Al-Shabaab, as it still controls the majority of the rural areas in Lower and Middle Juba. IJA checkpoints are primarily located at the outskirts of the key towns they control, such as Kismayo, Afmadow and Badhaadhe. When the trucks enter the port of Kismayo, they are covered with plastic sheeting in order to conceal the charcoal load from public view.

13. At present, Al-Shabaab is known to have checkpoints at the following locations where charcoal transporters are being taxed (indicated by yellow pins on the map below): Xagar, Kulbiyow, Kudhaa (Koday), Buulo Xaaji, Cabdala Biroole, Gaduud, Kamasuma and Jamaame in the Lower Jubba Region, and Bu'aale, Saakow, and Jilib in the Middle Jubba Region.

Map showing checkpoints taxing charcoal trucks



14. Since the Monitoring Group's previous report (S/2013/413), it appears that taxation at checkpoints has become more systematic and standardized by both Al-Shabaab and the IJA. At Al-Shabaab-controlled checkpoints, each truck is charged around USD 120 (at times ranging between USD 100 and USD 125), as well as USD 0.70 for each bag of charcoal (or about USD 140 for smaller trucks and USD 336 for larger trucks).[8] In Al-Shabaab-controlled areas, charcoal trucks pay the tax only once. At the first Al-Shabaab checkpoint encountered, a receipt is issued as

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[8] Checkpoint taxes are usually paid in Somali shillings, therefore these figures are averages and can vary depending upon the rates of exchange to the USD.

proof of payment for the tax, which can then be presented by the driver at any subsequent Al-Shabaab checkpoints. No further taxes are charged.[9]

15. The principal IJA checkpoint is located outside Kismayo Airport and serves as the primary tax collection point for trucks transporting charcoal from areas south and southwest of Kismayo. Another IJA checkpoint is located on the northern access road to Kismayo, which is the tax collection point for trucks transporting charcoal from areas to the north of Kismayo. Other checkpoints controlled by IJA include Afmadow and Badhaadhe. (IJA checkpoints are indicated by green pins on the map above.)

16. Exiting both Afmadow and Badhaadhe, a truck transporting charcoal first pays USD 150 at the IJA-controlled checkpoint and then pays USD 120 plus USD 0.70 per bag of charcoal at the Al-Shabaab-controlled checkpoint located on the outskirts of the towns. At the Kismayo Airport checkpoint, the IJA charges USD 120 per truck, as well as USD 0.70 for each bag of charcoal. Once the charcoal transports reach the port of Kismayo, the port manager, Abdullahi Dubad (a.k.a. 'Hadun'), charges USD 3 per bag in export duties on behalf of the IJA. This rate has doubled since the previous reporting of the Monitoring Group (see S/2013/413, annex 9.1).

17. Below is a table with examples of the breakdown of costs associated with a 25 kilogram bag of charcoal from production to the point of export at Kismayo, including the cost per bag at the site of production, the truck rental fees to and from Kismayo, the taxation rates at Al-Shabaab and IJA checkpoints, and the Kismayo port tax.[10] These figures indicate that due to more systematic checkpoints and particularly a higher export taxation rate at Kismayo, the cost per bag of charcoal prior to export has increased between 2013 and 2014, and is now USD 8.00 to 10.00. These costs have not necessarily affected the internal consumption market value of USD 5.00 to 6.00 or the sale price overseas of about USD 17.00 per bag of charcoal.

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[9] Information on checkpoints here and below obtained from confidential local sources in communication with the Monitoring Group in June and July 2014.

[10] Information obtained from confidential local sources in communication with the Monitoring Group in July 2014.

COSTS PER BAG OF CHARCOAL TO POINT OF EXPORT AT KISMAYO					
Cost Item		**From Bu'alle, Saakow, Hagar**	**From Jilib, Jamaame, and Kamasuma**	**From Afmadow**	**From Kulbiyow and Badhaadhe**
Cost per bag at production site		USD 2.50 per 25 kg bag	USD 3.00 per 25 kg bag	USD 3.00 per 25 kg bag	USD 2.50 per 25 kg bag
Truck rental to and from Kismayo		USD 1.70 per bag of charcoal	USD 1.50 per bag of charcoal	USD 1.70 per bag of charcoal	USD 1.50 per bag of charcoal
AS	**Truck tax (USD 120)***	USD 0.25 per bag- USD 0.60 per bag	USD 0.25 per bag- USD 0.60 per bag	USD 0.25 per bag- USD 0.60 per bag	USD 0.25 per bag- USD 0.60 per bag
	Charcoal tax	USD 0.70 per 25 kg bag	USD 0.70 per 25 kg bag	USD 0.70 per 25 kg bag	USD 0.70 per 25 kg bag
IJA	**Truck tax (USD 150)****	USD 0.31 per bag- USD 0.75 per bag	USD 0.31 per bag- USD 0.75 per bag	USD 0.31 per bag- USD 0.75 per bag	USD 0.31 per bag- USD 0.75 per bag
Kismayo Port tax		USD 3.00	USD 3.00	USD 3.00	USD 3.00
TOTAL		**USD 8.46-9.25**	**USD 8.76-9.55**	**USD 8.96-9.75**	**USD 8.26-9.05**

* Based on USD 120 ÷ 200 bags for small trucks (USD 0.60) and 480 bags for large trucks (USD 0.25).

** Based on USD 150 ÷ 200 bags for small trucks (USD 0.75) and 480 bags for large trucks (USD 0.31), aside from the Kismayo Airport checkpoint, which has slightly different costs.

18. Based on charcoal shipments documented by the Monitoring Group, which is likely to account for only half of the actual shipments between June 2013 and May 2014, a conservative estimate suggests that on average at least 480,000 bags of charcoal were exported from the port of Kismayo each month, though the figure may be double this. Due to the monsoon season, when shipping comes to a near standstill, as well as other factors, the monthly export of charcoal is not evenly distributed. For instance, during March and April 2014 alone, some 2.6 million bags of charcoal were shipped from Kismayo. This massive export appears to be corroborated by satellite imagery of the reduction of stockpiles at Kismayo (see annex 9.1.a). Therefore, at least 5.76 million bags of charcoal, if not double this amount, were exported through Kismayo between June 2013 and May 2014.

19. In the same period, based on the taxation rate at its checkpoints (approximately USD 1.30 per bag), Al-Shabaab would have generated revenues of between USD 7.5 and 15 million from the checkpoints alone. This is separate from the revenue it generated from the overall shareholding profit of charcoal exported from Kismayo, which according to shipments documented by the Monitoring Group amounts to at least 33 per cent of the trade, as indicated in the main section of this report.[11] Al-Shabaab's checkpoint revenue is also separate from the revenue it generated from the exports it controls exclusively at Baraawe, from where an estimated between one and two million bags of charcoal have been shipped, and the smaller 'beach ports' south of Kismayo at Anole, Kudhaa (Koday) and Koyaama

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[11] According to some sources of the Monitoring Group in both 2013 and 2014, the shareholding of Kismayo port is divided 33 percent each for Al-Shabaab, the IJA and the KDF. Other sources have indicated that the shareholding is divided 40 percent for Al-Shabaab and the IJA each, and 20 percent for the KDF. The Monitoring Group both in 2013 and 2014 found that Al-Shabaab representation at Kismayo port accounts for 33 percent of exports. However, given that the Monitoring Group has not identified all shipments, this figure could also be 40 per cent.

island, from where unknown quantities have been shipped. Consistent with the Group's previous findings (S/2013/413, annex 9.1), it would appear that Al-Shabaab continues to generate greater revenue from the current charcoal trade than when it fully controlled Kismayo prior to October 2012, which the Monitoring Group estimated in 2011 to be in excess of USD 25 million (S/2012/544, annex 21, paragraph 4).

20. Meanwhile, again in the same period, based on the taxation rate at its checkpoints and export tax at Kismayo (approximately USD 3.75 per bag), the KDF-backed IJA would have generated revenues of between USD 20 and 40 million from these sources, in addition to the unknown exports at Buur Gabo.

21. Given an international market value of USD 17 per bag of charcoal, and given that the export cost of a bag of charcoal now amounts to between USD 8.00 and USD 10.00, the supply chain including production, transportation and taxation accounts for more than 50 per cent of charcoal costs accruing as revenues to those within Somalia with increasingly vested interests in the export trade in charcoal. The remaining 50 per cent accrues as revenues to the overseas value chain including shippers, brokers and traders with varying joint venture relations with armed groups on the ground.

22. An analysis of satellite imagery illustrating the depletion and replenishment of charcoal stockpiles in 2014 at Kismayo and Barawe appears in annex 9.1.a and annex 9.1.b. The changes in the stockpiles, and the scale of the stockpiles in comparison to the rate of shipments, indicates that the majority of exports are from newly produced charcoal.

Annex 9.1.a: Satellite imagery of charcoal stockpiles at Kismayo

23. In its previous reporting (S/2013/413, annex 9), the Monitoring Group found that between October 2012 and May 2013 the charcoal stockpiles at Kismayo either remained static, increased in size or multiplied in number. This reflected a significant increase in the production of new charcoal as well as the attempt by traders to use the stockpiles politically in an effort to lift the United Nations ban on Somali charcoal exports. In late 2012, the traders argued for a one-time lift of the ban to clear the stockpiles, when in fact thereafter they maintained the stockpiles and exported a stream of newly produced charcoal in aid of perpetuating the trade indefinitely.

24. Between 2013 and 2014, the Monitoring Group has found that the stockpiles at Kismayo have been exploited to a greater extent than in the preceding year. Analysis of satellite imagery, in combination with information from ground sources, indicates that at times the stockpiles were depleted for export and replenished from newly produced charcoal, while new charcoal was also exported directly. Therefore, the stockpiles have been used more to supply the export trade than served as part of a political strategy to lift the ban, since traders found that despite the ban they have been able to export charcoal on a massive scale unhindered either within Somalia or overseas.

25. By way of an example, according to shipping data and ground sources, the Monitoring Group detected a sudden and massive export of charcoal from Kismayo in March and April 2014. Analysis of the satellite imagery in this annex reveals the significant depletion of the stockpiles to supply charcoal shipments between March and June 2014.[12] This is evident, for instance, from a comparison of the area covered by the stockpiles, which on 15 March 2014 was 33,573 m^2, on 16 May 2014 was 14,228 m^2, and on 18 June 2014 was 3,203 m^2, reflecting 90.5 percent depletion of the stockpiles. The following table compares depletion of the southern, central and northern stockpiles in terms of coverage of area.

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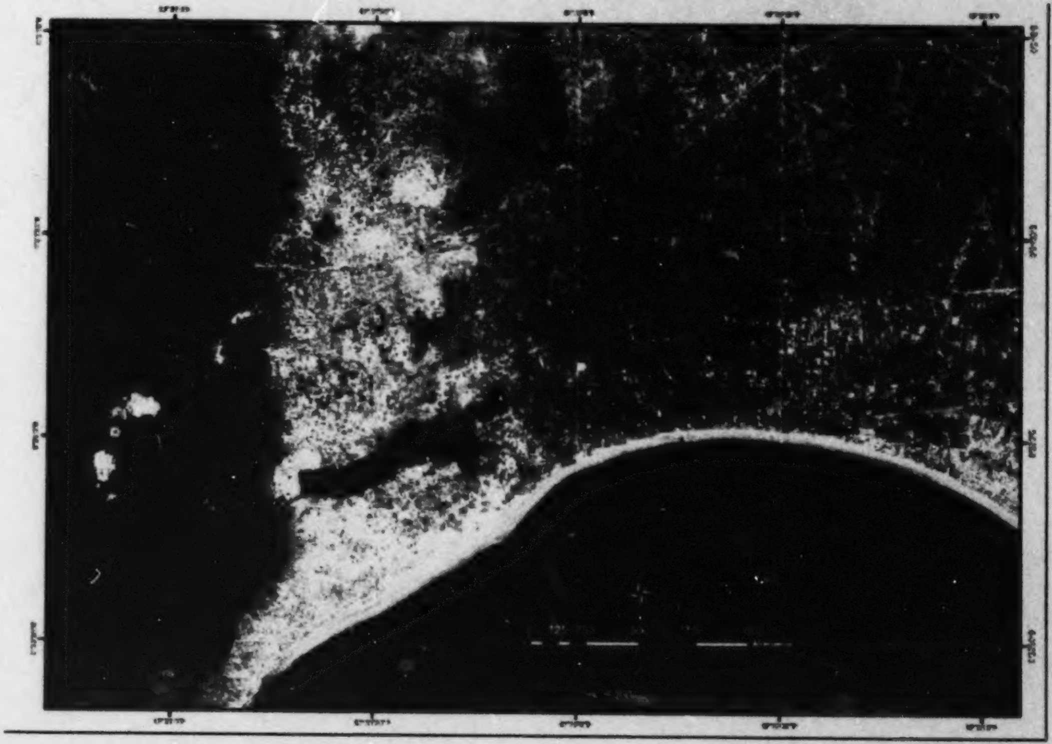
[12] The satellite images provided by SWALIM that have been analysed are: World View 2 acquired on 15 March 2014; World View 1 acquired on 16 May 2014; and World View 2 acquired on 18 June 2014. World View 1 and 2 are very high-resolution satellite images with spatial resolution of 0.5 meters. The World View 1 sensor has only a panchromatic band while the World View 2 sensor produces multispectral images. This is the reason why the image acquired in May is displayed in black and white.

KISMAYO CHARCOAL STOCKPILE DEPLETION MARCH – JUNE 2014				
Date	Southern Stockpile	Central Stockpile	Northern Stockpile	TOTAL
15 March 2014	20,425 m^2 (60.8 %)	4,995 m^2 (14.9%)	8,153 m^2 (23.3%)	33,573 m^2 (100 %)*
16 May 2014	8,274 m^2 (24.6 %)	1,897 m^2 (5.6%)	4,057 m^2 (12.1%)	14,228 m^2 (42.3%)
18 June 2014	1,468 m^2 (4.3%)	495 m^2 (1.5%)	1,241 m^2 (3.7%)	3,203 m^2 (9.5%)

* Percentages are in relation to the total stockpile area covered in March 2014.

26. The overview image below indicates the charcoal stockpiles, which are the features outlined in red, located in the south, centre and north of Kismayo on 15 March 2014.

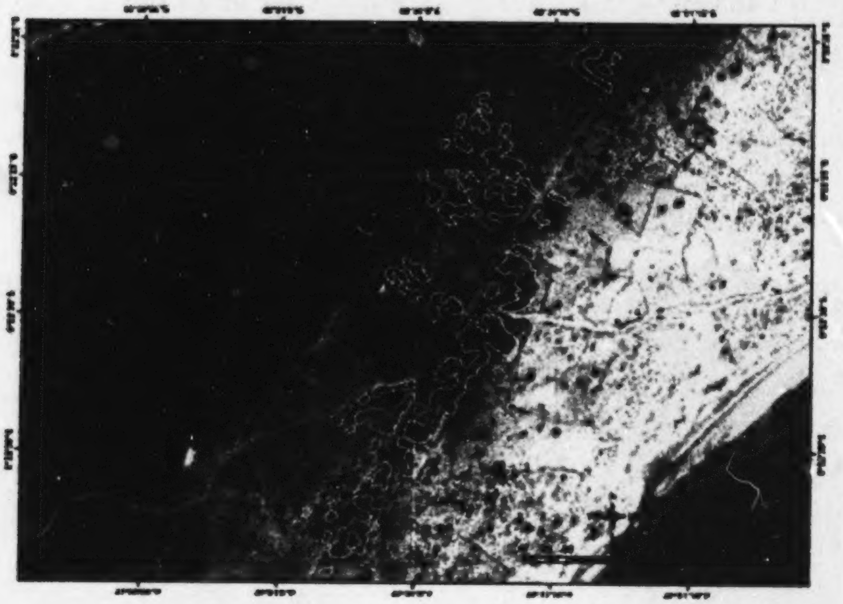
Overview of charcoal stockpile locations at Kismayo on 15 March 2014



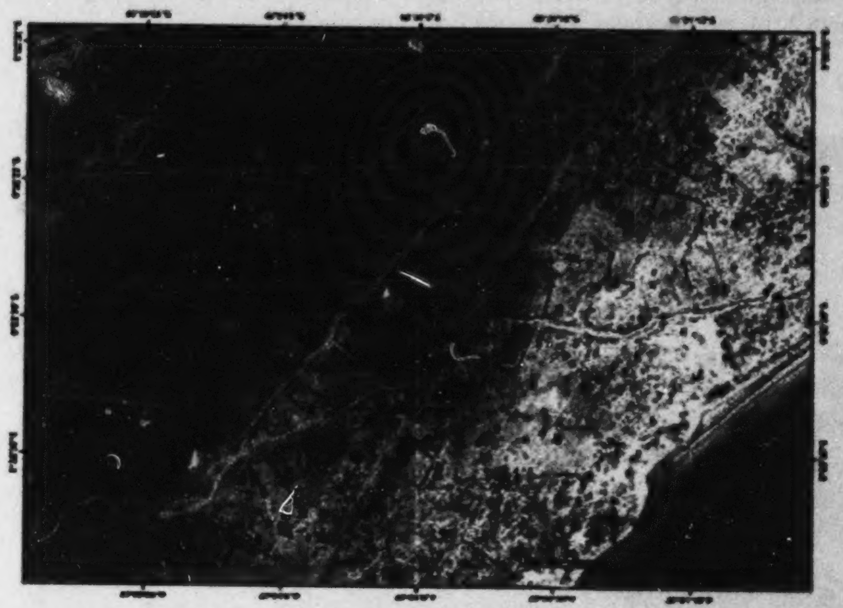
The southern stockpile

27. The majority of charcoal stockpiled in March 2014 was in the southern area of Kismayo, where therefore the majority of depletion occurred between March and June 2014. On 15 March 2014, the southern stockpile covered an area of 20,425 m^2, on 16 May 2014 it covered an area of 8,274 m^2, and by 18 June 2014 it had been reduced to an area of 1,468 m^2. The following three satellite images illustrate the southern stockpile depletion.

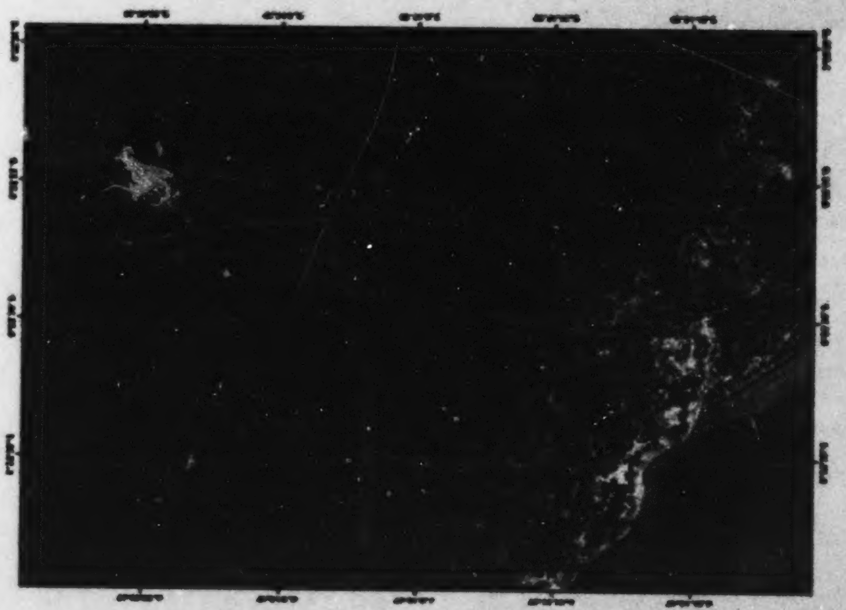
The southern stockpile on 15 March 2014



The southern stockpile on 16 May 2014

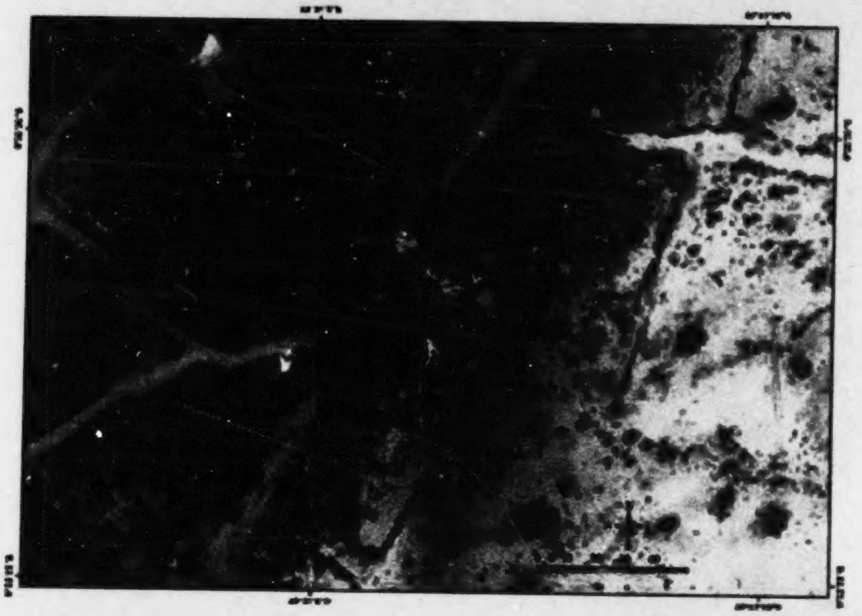


The southern stockpile on 18 June 2014

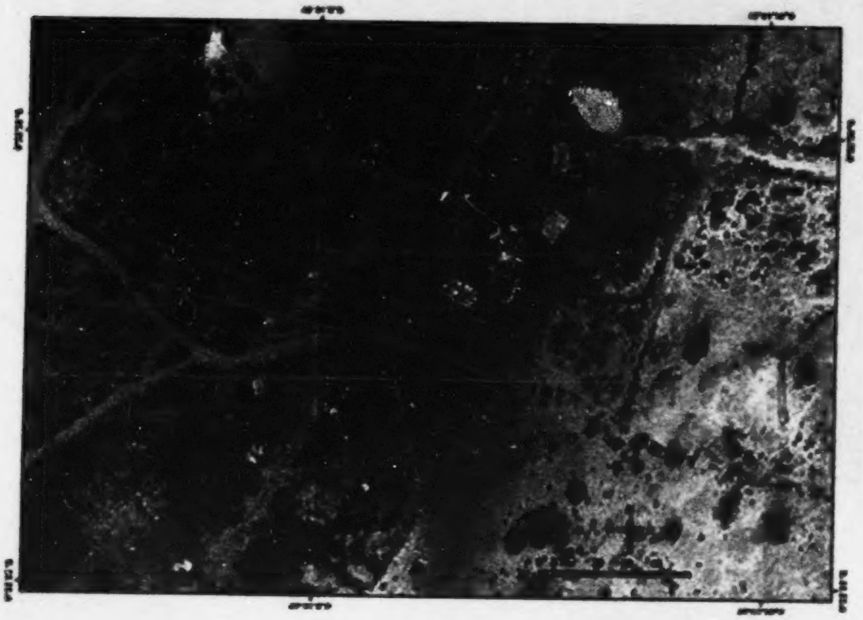


28. The following three satellite images illustrate in greater detail the depletion of the southern stockpile between March and June 2014. In the image acquired in March 2014, the stockpiles appear in a light blue colour.

The southern stockpile on 15 March 2014



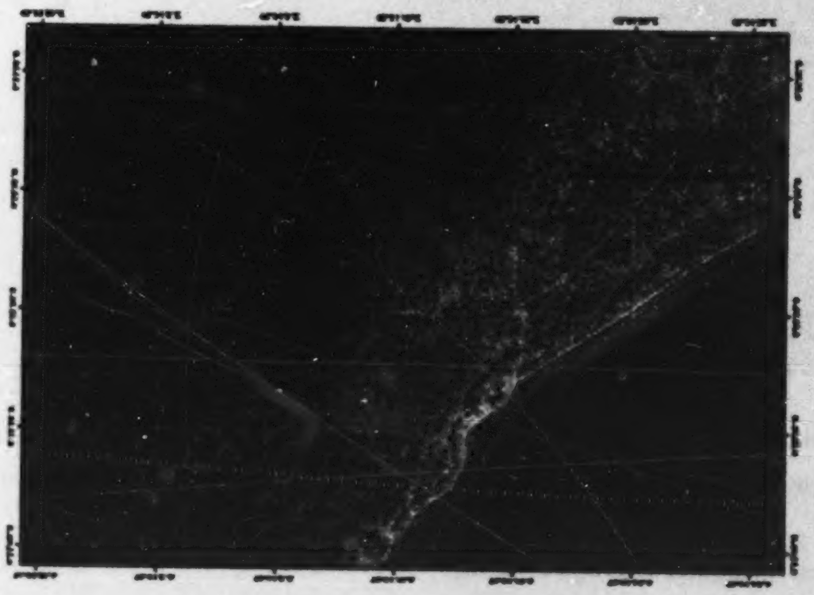
The southern stockpile on 16 May 2014



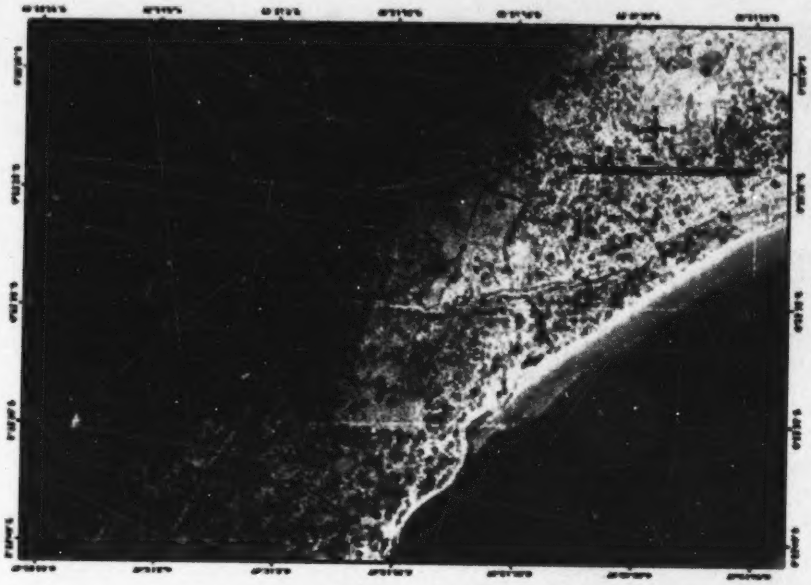
The southern stockpile on 18 June 2014

29. Notably, according to high-resolution satellite imagery acquired from before March 2014, the southern stockpile was an entirely new stockpile that did not exist before November 2013 and was built up thereafter. The following three images compare the site of the southern stockpile, outlined in red, in November 2013, January 2014 and March 2014.

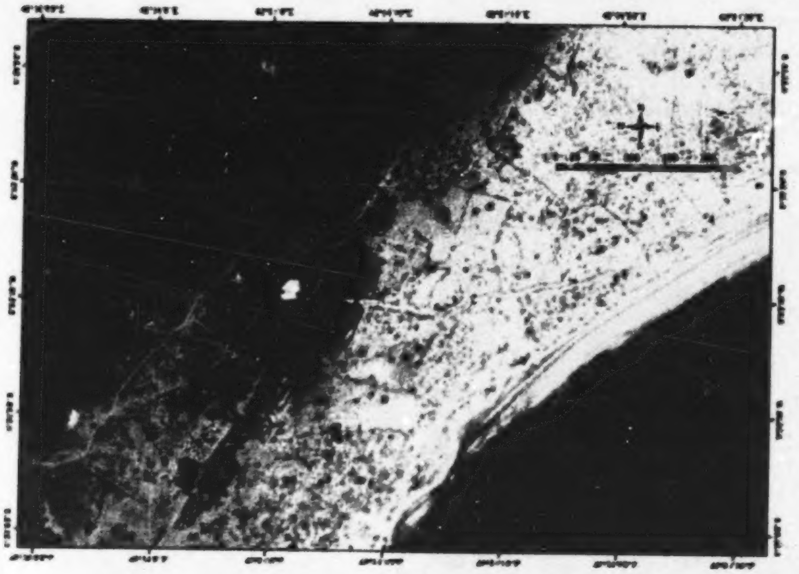
The southern stockpile site on 14 November 2013



The southern stockpile on 13 January 2014



The southern stockpile on 15 March 2014

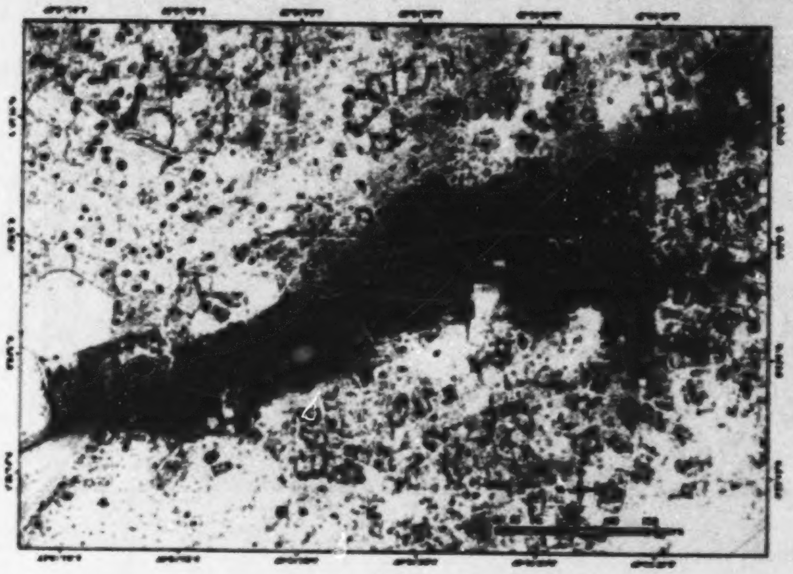


The central stockpile

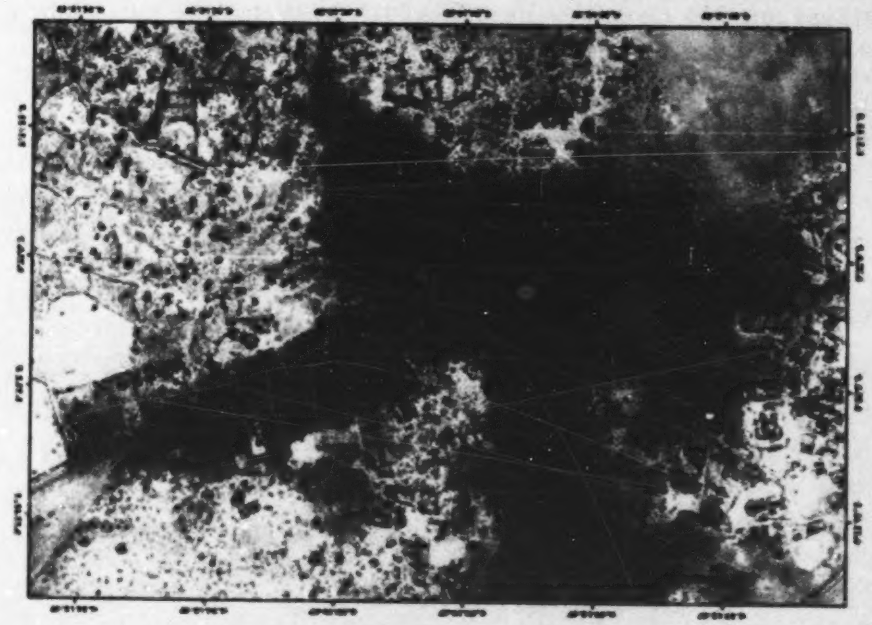
30. The central stockpile was the location of the original stockpile in Kismayo and charcoal build-up is already visible in this area in satellite images from 2005. By March 2014, the central stockpile contained less charcoal than at the other locations in Kismayo, but was nevertheless depleted. On 15 March 2014, the central stockpile

covered an area of 4,995 m², on 16 May 2014 it covered an area of 1,897 m², and by 18 June 2014 it had been reduced to an area of 495 m². The following three satellite images illustrate the central stockpile depletion.

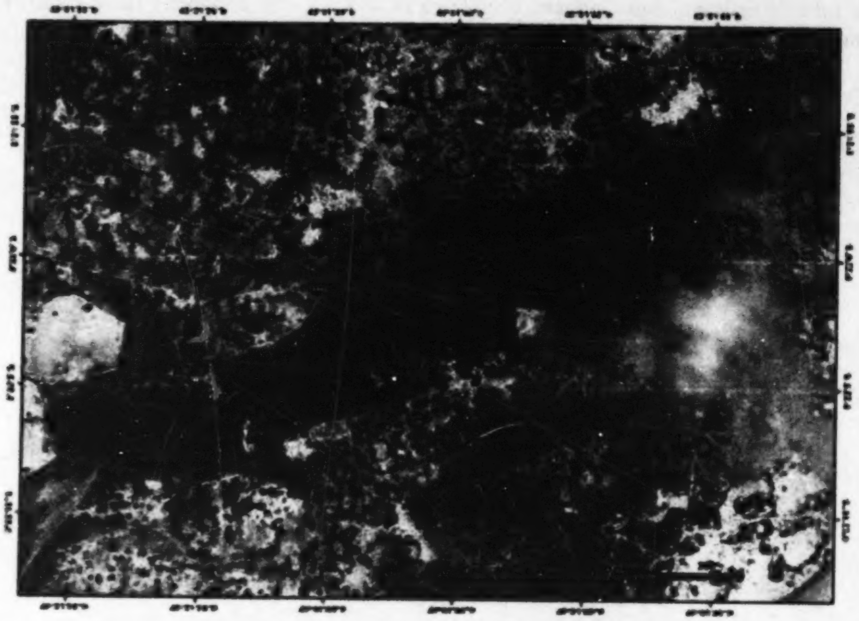
The central stockpile on 15 March 2014



The central stockpile on 16 May 2014



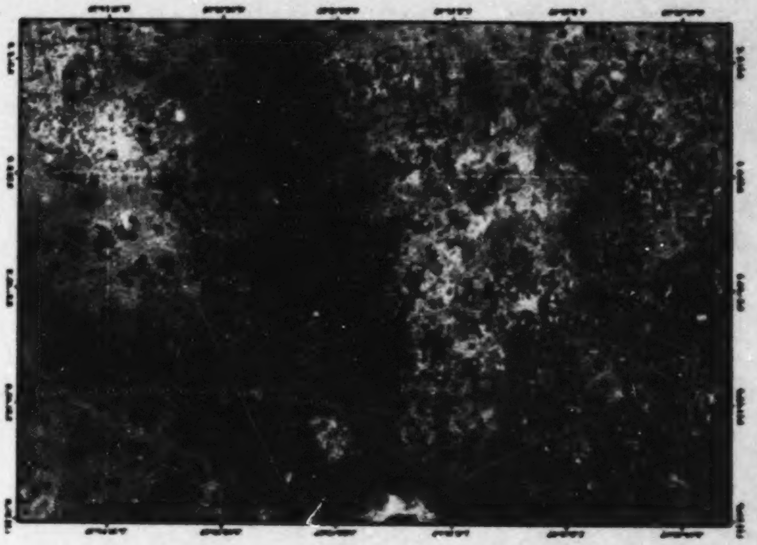
The central stockpile on 18 June 2014



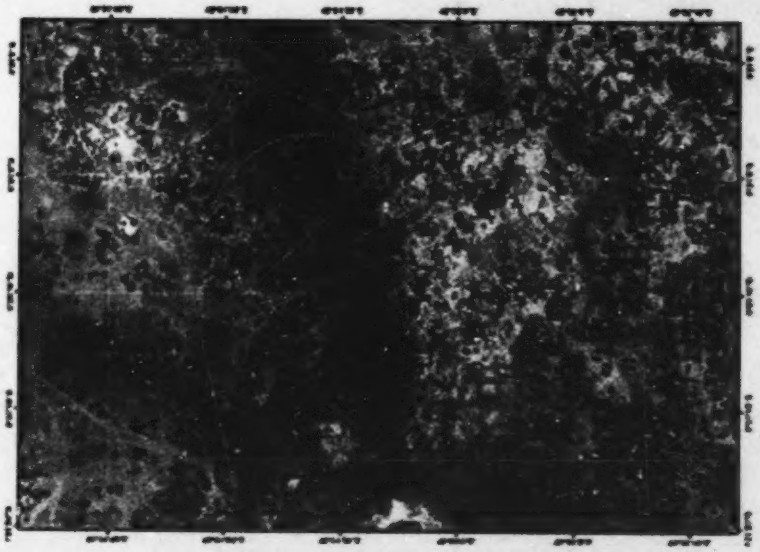
The northern stockpile

31. The northern stockpile is not new and charcoal build-up at the site can be first detected in satellite images from 2006, though it significantly increased in size in 2012 and 2013, and was depleted after March 2014. On 15 March 2014, the northern stockpile covered an area of 8,153 m^2, on 16 May 2014 it covered an area of 4,057 m^2, and by 18 June 2014 it had been reduced to an area of 1,241 m^2. The following three satellite images illustrate the northern stockpile depletion.

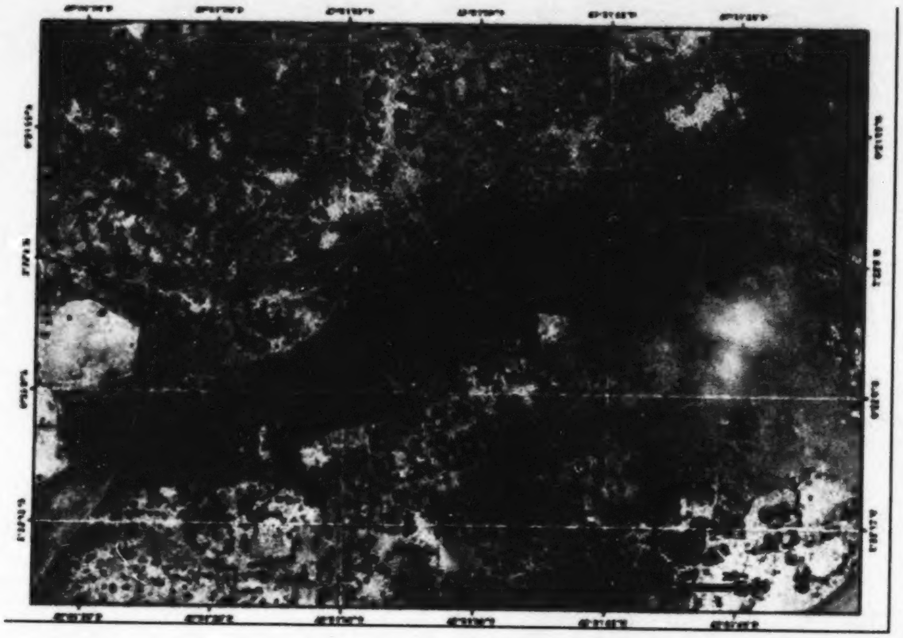
The northern stockpile on 15 March 2014



The northern stockpile on 16 May 2014



The northern stockpile on 18 June 2014



Annex 9.1.b: Satellite imagery of charcoal stockpile at Barawe

32. Barawe, located north of Kismayo, remains under Al-Shabaab control and is therefore more inaccessible and difficult to monitor. The charcoal stockpiles at Kismayo are considerably greater in scale than the one stockpile at Barawe because they service a regular deepwater port. Barawe, by contrast, is a natural beach port requiring ships to anchor offshore. Consequently, charcoal is first loaded onto smaller boats that then transfer the cargo to the ships offshore, a more time-consuming process. The stockpile at Barawe has more consistently served to supply export shipments in combination with newly produced charcoal, and was not artificially maintained as the Kismayo stockpiles were between 2012 and 2013. However, prior to the military offensive against Al-Shabaab, the Monitoring Group detected a depletion of the stockpile in Barawe by February 2014. It was subsequently replenished and grew again in size by July 2014. The following figures from analysis of satellite imagery indicate the depletion and replenishment in terms of area covered by the stockpile at Barawe:[13]

25 January 2014	1,079 m^2
27 February 2014	577 m^2
15 March 2014	516 m^2
10 July 2014	6,290 m^2

33. The satellite images in this annex illustrate the depletion and replenishment of the stockpile at Barawe. The overview image below indicates the one charcoal stockpile, which is the feature outlined in red, located at Barawe on 27 February 2014.

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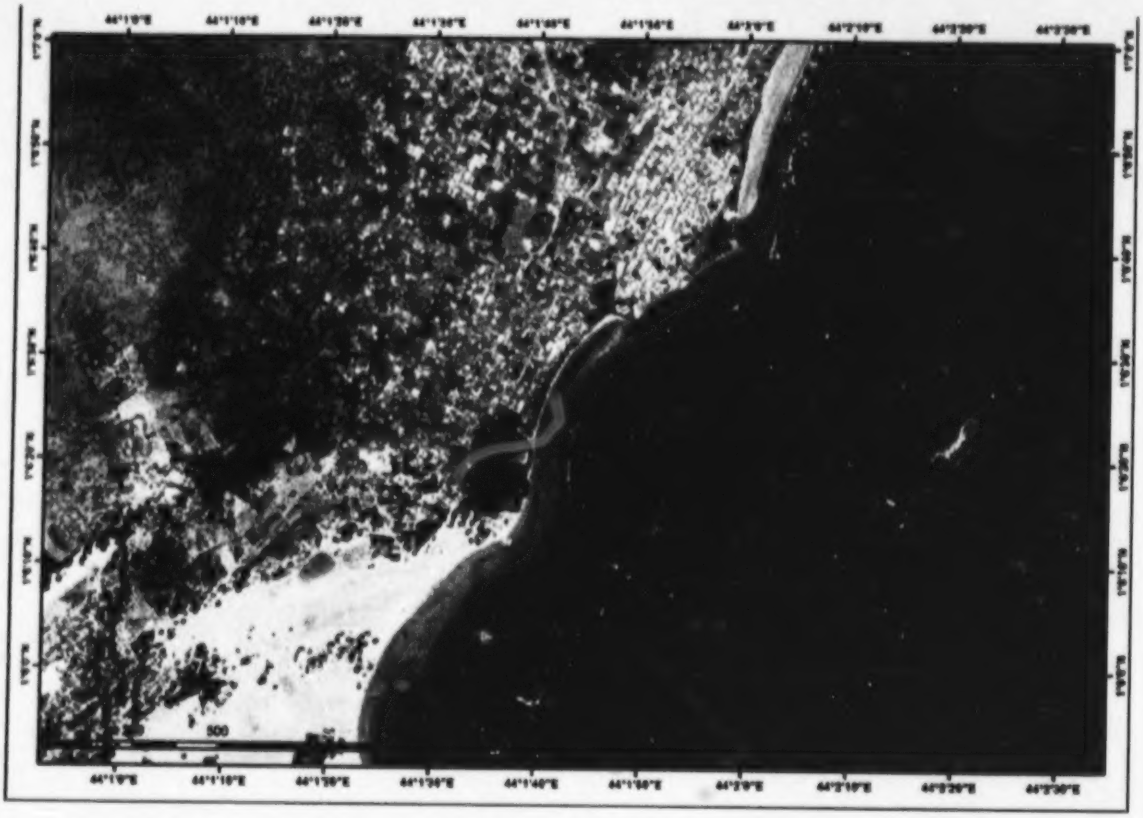
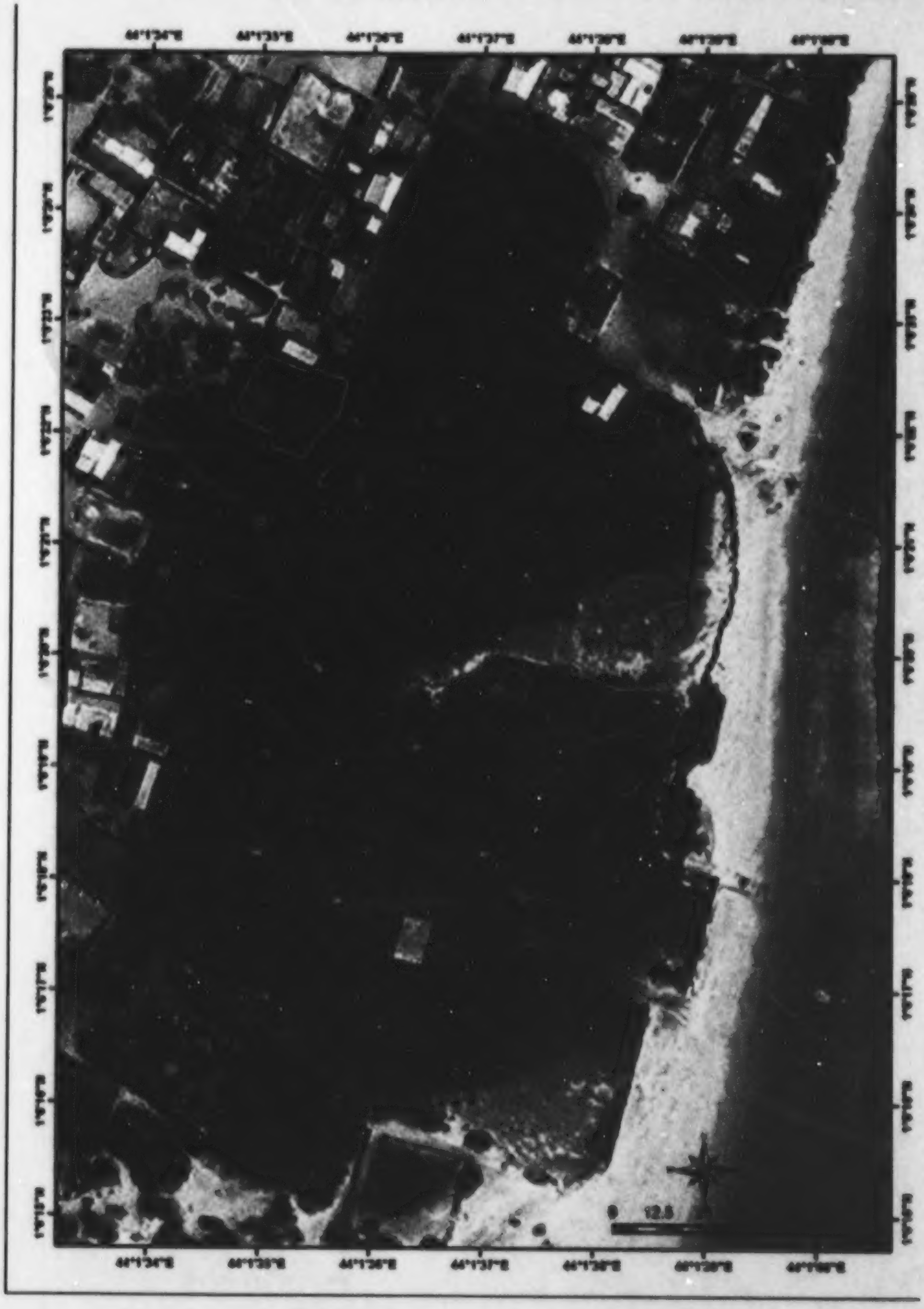
[13] The satellite images provided by SWALIM, with 0.5 meters resolution, that have been analysed are: World View 1 acquired on 25 January 2014; World View 2 acquired on 27 February 2014; World View 2 acquired on 15 March 2014; and World View 1 acquired on 10 July 2014.

Overview of charcoal stockpile location at Barawe on 27 February 2014


44°1'0"E
44°1'10"E
44°1'20"E
44°1'30"E
44°1'40"E
44°1'50"E
44°2'0"E
44°2'10"E
44°2'20"E
44°2'30"E
500

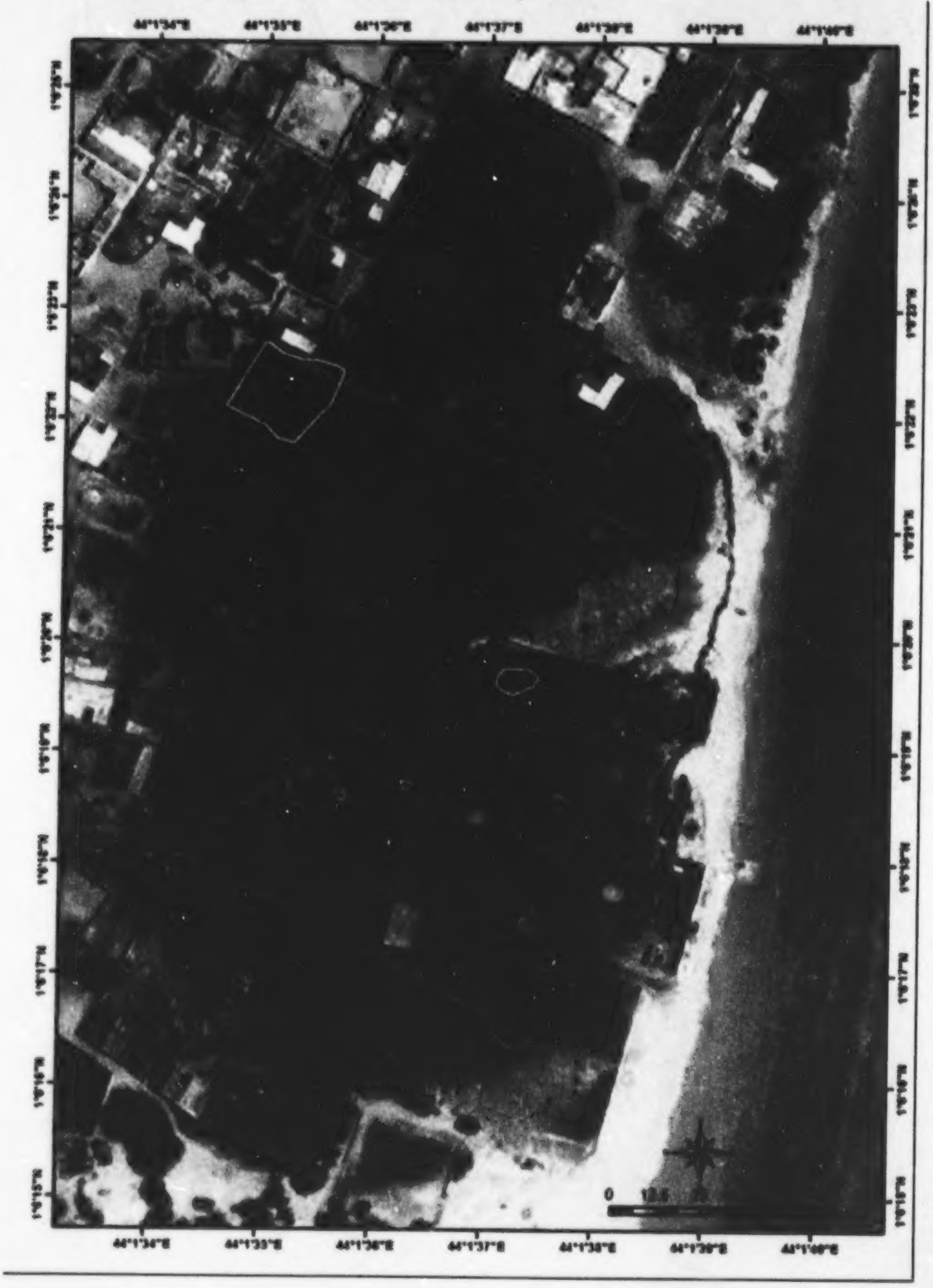
34. In the satellite image below, the yellow-outlined polygons indicate the charcoal stockpiled at Barawe on 25 January 2014 and covering an area of 1,079 m^2.

Charcoal stockpile at Barawe on 25 January 2014


44°1'34"E
44°1'35"E
44°1'36"E
44°1'37"E
44°1'38"E
44°1'39"E
44°1'40"E
0
12.5

35. In the satellite image below, the pink-outlined polygons indicate the charcoal stockpiled at Barawe on 27 February 2014 and covering an area of 577 m^2.

Charcoal stockpile at Barawe on 27 February 2014

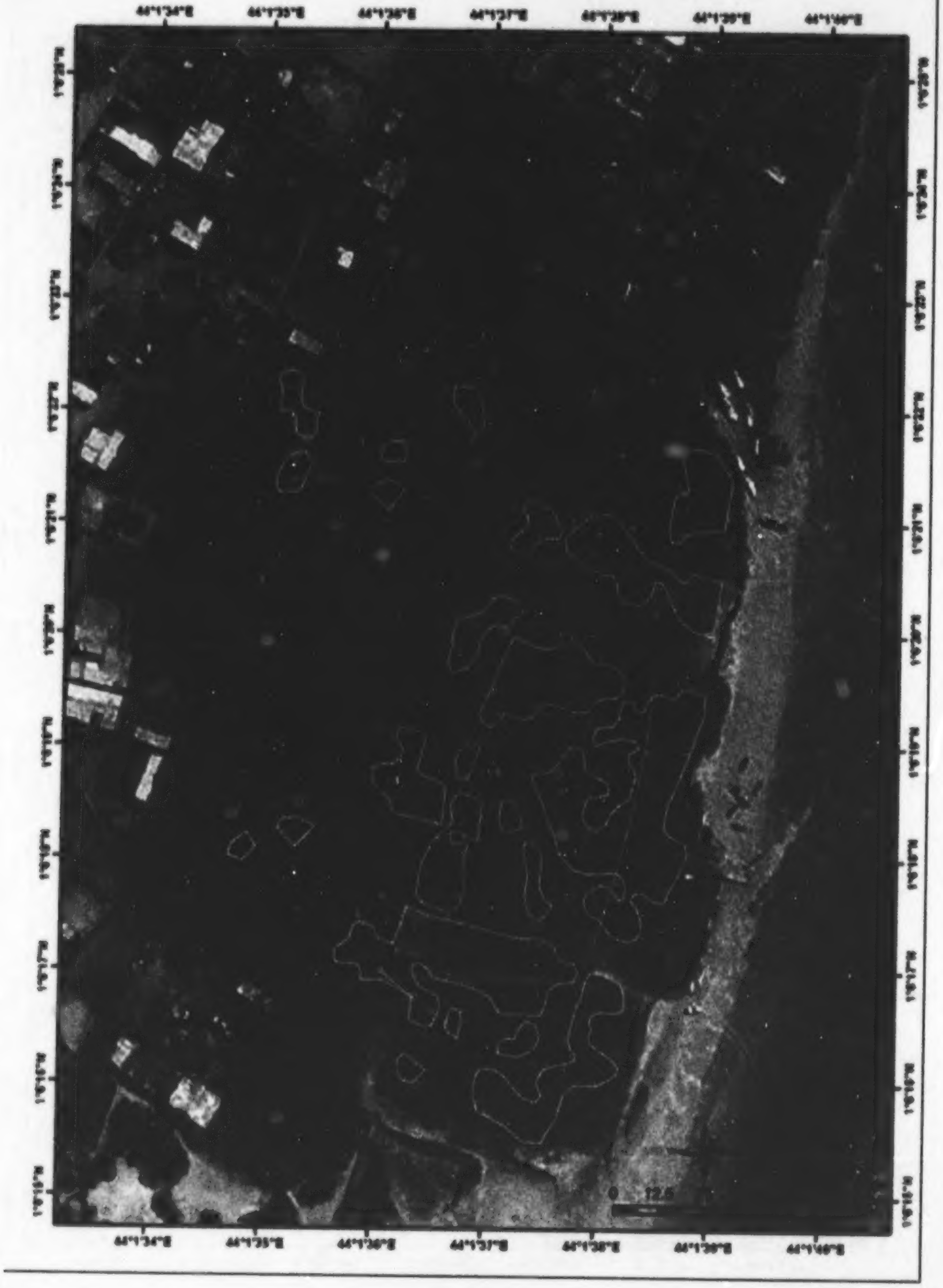

44°1'34"E
44°1'35"E
44°1'36"E
44°1'37"E
44°1'38"E
44°1'39"E
44°1'40"E
0
12.5

36. In the satellite image below, the green-outlined polygon indicates the charcoal stockpiled at Barawe on 15 March 2014 and covering an area of 516 m^2.

Charcoal stockpile at Barawe on 15 March 2014

37. In the satellite image below, the light blue-outlined polygons indicate the charcoal stockpiled at Barawe on 10 July 2014 and covering an area of 6,290 m^2.

Charcoal stockpile at Barawe on 10 July 2014


44°1'34"E
44°1'35"E
44°1'36"E
44°1'37"E
44°1'38"E
44°1'39"E
44°1'40"E
0
12.5

Annex 9.2: Cases of known charcoal imports

38. The Monitoring Group documented at least 161 charcoal shipments from the ports of Barawe and Kismayo between June 2013 and May 2014 in violation of resolution 2036 (2012). While it has not been possible for the Group to identify the shippers, consignees and end-buyers of all of these shipments, it has nevertheless documented in fuller detail numerous individual cases and thereby identified key actors involved in the Somali charcoal trade.

39. The Monitoring Group has separated this annex into violations that occurred before the end of the shipping season in late August 2013 and those that took place after the shipping season resumed in October 2013. Shipments before late August 2013 arrived largely in the United Arab Emirates (UAE), notably to Sharjah Creek and Port Rashid. Shipments after September 2013 arrived largely in Omani ports until late January 2013, after which traders shifted their exports towards ports in Kuwait[14] and to Port Rashid in the UAE.

Violations prior to late August 2013

40. During the period between June 2013 and August 2013, the Monitoring Group documented exports of at least 1.16 million bags of charcoal from Kismayo and Barawe, mainly off-loaded in ports in the UAE. Of the 1.16 million bags, approximately 380,000 bags were shipped on four large merchant vessels, with 780,000 bags shipped by 25 wooden dhows.[15] Of these cases, the Monitoring Group documented shipments on two particular merchant vessels, as well as identified key shippers and brokers connected to 19 dhow shipments.

The case of the MV Victoria

41. In early August 2013, the Monitoring Group received information in respect of a merchant vessel, the *MV Victoria* (IMO 7906203), which had docked in Port Rashid, Dubai, UAE, with a cargo of 92,000 bags of charcoal. According to a source at Port Rashid, the vessel had set sail from the Al-Shabaab-controlled port of Barawe on 12 July 2013 and arrived in Port Rashid on 24 July 2013.[16] The consignee of the cargo was established as Bahaya General Trading LLC, belonging to Ahmed Mohamed Barre, and Saleh Da'ud Abdulla of Al Baoon Trading Company.[17] Da'ud has been previously described by the Monitoring Group as a businessman closely associated with Al-Shabaab (S/2011/433, annex 3.1). The *MV Victoria* is managed by Ajman Shipping & Trading and has been identified before by the Monitoring Group (S/2012/544, annex 2.1 and S/2013/413, annex 9.2) for having shipped charcoal from Barawe to Saudi Arabia. (See annex 9.2.a for pictures of the *MV Victoria* in Port Rashid on 4 August 2013.)

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[14] Traders have singled out Doha port in Kuwait as the main port of entry.

[15] Calculations based on shipping data obtained from Kismayo port as well as volume of charcoal carried on vessels provided by owners. For vessels where no precise volume of data is available, average figures are used.

[16] A confidential source present at Port Rashid, UAE, informed the Monitoring Group on 2 August 2013 as the vessel prepared to offload.

[17] Information obtained by a confidential source at Port Rashid with access to shipping documentation and provided to the Monitoring Group on 8 August 2013.

42. In a letter to the Permanent Mission of the UAE to the United Nations dated 23 October 2013, the Monitoring Group requested customs documentation submitted to Port Rashid authorities by the captain of the *MV Victoria*. No response has been forthcoming.

The case of the MV Energy 3

43. In early August 2013, the Monitoring Group received information that the Moldovan-flagged *MV Energy 3* (IMO 7920429) had departed Port Rashid on 17 June 2013 and on 6 July 2013 docked at Mogadishu port, where it off-loaded general cargo. According to Automatic Identification System (AIS) data, the Energy 3 then set sail again for Kismayo, where it arrived on 2 August 2013. At Kismayo, the vessel loaded on board approximately 140,000 bags of charcoal before setting sail for Salalah, Oman, and subsequently travelling to Port Rashid, Dubai, UAE, where it arrived on 12 August 2013.[18] Following a fire on board the vessel a few days later, the crew began offloading the charcoal cargo onto the docks at Port Rashid. (See annex 9.2.b for pictures of the Energy 3 docked at Port Rashid with its charcoal cargo.)

44. The Monitoring Group obtained the bill of lading for the Energy 3 shipment, which identifies the port of loading as Kismayo and the port of discharge as Port Rashid, UAE. The exporter was identified as Hassan Mohamed Yusuf (a.k.a "Awlibaax") and the importer as Abdirahman Mohamud Warsame (a.k.a. "Dhaqalayste"). As described in the main section of this report and previously reported by the Monitoring Group (S/2013/413, annex 9.2), Yusuf is known to have links to Al-Shabaab. (See annex 9.2.c for a copy of the bill of lading.)

45. According to a confidential source with access to Port Rashid, the captain of the Energy 3 submitted documents to authorities in Port Rashid that purported the charcoal cargo to be Iranian in origin. The company reportedly responsible for procuring the Iranian documentation was Al Khattal Group Marine Contracting & Trading, run by Salem Alkhattal Almihairey, who is based in office 16 of the Dubai Customs Building near Hamriya Port and is known by the business community in Dubai as a powerful and politically connected businessman.[19] One owner of a fleet of vessels chartered to Somali charcoal traders also confirmed to the Monitoring Group that Almihairey has arranged falsified paperwork for charcoal imports in the past.[20] Separately, a Somali charcoal dealer informed the Group that Almihairey had asked Somali charcoal dealers in Dubai to report to him if they were approached by the Monitoring Group, so that he could request the UAE authorities to deport any

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[18] According to signals data obtained by the Monitoring Group, the *MV Energy 3* was in Port Rashid, UAE, between 13 and 17 June 2013, in Mogadishu between 6 and 20 July 2013 (in position 2°1'N, 45°20'E), in Kismayo on 2 August 2013 (in position 0°23'S, 42°32'E), in Salalah, Oman, on 8 August 2013 (in position 16°56'N, 54°0'E), and in Port Rashid, UAE, as of 12 August 2013. Also, a confidential source at Port Rashid first contacted the Monitoring Group on 1 August 2013 indicating that the vessel was due to dock at Kismayo and then load charcoal there for onward delivery to Port Rashid, UAE.

[19] Correspondence with confidential source at Port Rashid on 8 August 2013; interview with Somali businessman, Dubai, UAE, 11 January 2014; and interview with Somali charcoal dealer, 10 January 2014, Dubai, UAE.

[20] Interview with owner of a fleet of dhow vessels that regularly transports charcoal from Somalia, Dubai, UAE, 30 May 2014.

member of the Monitoring Group investigating charcoal shipments in Dubai.[21] (See annex 9.2.d for a copy of Almihairey's business card).

46. The Monitoring Group wrote to the Permanent Mission of the UAE to the United Nations on 12 August 2013, 14 August 2013 and 30 August 2013 by way of updating the customs authorities in Dubai of the movements and off-loading of the Energy 3. These correspondences were copied to the Committee, which encouraged the authorities of the UAE to interdict the vessel and impound the charcoal. The UAE did eventually seize the cargo of the Energy 3.[22] However, according to charcoal traders in the UAE, the charcoal aboard the Energy 3 was eventually sold off in a public auction on or about 12 February 2014 by UAE customs authorities. The UAE authorities did not inform the Committee or the Monitoring Group about the sale.[23]

47. Meanwhile, no response has been forthcoming to the Monitoring Group's letter of 30 August 2013 addressed to the Permanent Mission of the UAE to the United Nations, which requested customs documentation in respect of the Energy 3 shipment.

Dhow traffic

48. The Monitoring Group has documented 142 cases of charcoal shipments from Kismayo and Barawe on wooden dhows between June 2013 and May 2014. Out of these 142 cases, 21 dhows exported a volume of at least 780,000 bags from southern Somalia between June and the end of August 2013. Of these 21 known cases, at least 19 dhows shipped charcoal from the port of Kismayo. Charcoal cargo for five of these 19 dhows were shipped by Hassan Mohamed Yusuf (a.k.a. 'Awlibaax') and Ali Ahmed Naaji, who are both noted in the main section of this report as senior business figures in Kismayo connected to Al-Shabaab. Another five cargoes were shipped by Kismayo charcoal dealers Farah Jama Awil (a.k.a. Degdeg), Aden Farah Hassan and Jama "Dhuxul".[24]

49. The Monitoring Group understands that most, if not all, of these 21 shipments arrived in ports in the UAE. While precise data on how many shipments were delivered to which ports in the UAE is not fully available, the Monitoring Group has received information directly from the owners of two vessels that delivered Somali charcoal to the UAE. The *MSV Isha*, an Indian-flagged dhow carrying 42,000 bags of charcoal from Kismayo arrived in Port Rashid in July 2013, and the *MSV Raj Milan*, a dhow carrying 24,000 bags of charcoal from Kismayo, arrived in Sharjah Creek in mid-August 2013.[25] In addition, sources at Sharjah Creek reported the arrival of the Indian-flagged Nafeya, which offloaded 24,000 bags of charcoal in early September 2013.[26]

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[21] Interview with Somali charcoal dealer, Dubai, UAE, 10 January 2014.

[22] The Monitoring Group was informed of the seizure during a consultation with senior UAE authorities in Abu Dhabi, UAE, on 7 November 2013.

[23] Multiple correspondence with confidential source with access to Port Rashid, UAE, between 13 and 14 February 2014. The charcoal cargo of the Energy 3 was reportedly sold for approximately USD 2.25 million.

[24] Information collated from shipping data compiled by confidential source at Kismayo port.

[25] Information provided by vessel owners in October 2013.

[26] Information provided by Somali source in Sharjah, UAE, 9 September 2013, and corroborated by two individuals involved in shipping goods from Somalia to Sharjah, 16 October 2013.

50. A representative of the company that owns the *Isha* confirmed that he had received cash payment for the transport of the charcoal from a company in Dubai called Wadi Al Nahar General Trading LLC (see annex 9.2.e for a picture of the company office and a list of shareholders). The owner of the *Raj Milan* confirmed that he had received payment from a Dubai-based Somali broker known as Mohamud Ali Osman "Qonof", who manages charcoal imports for a number of traders in the UAE.[27]

51. A representative of the company Wadi Al Nahar General Trading informed the Monitoring Group that one of the partners in the company had in the past been involved in organizing charcoal loadings but refused to disclose further details on whose behalf this partner was operating.[28] A separate business partner of Wadi Al Nahar informed the Monitoring Group that the company has acted in the past as a broker for charcoal shipped to Sharjah in the name of Mehdi Da'ud, who is the brother of Saleh Da'ud Abdulla and a main shareholder in a warehouse business, Aflah FZC, located in an industrial area of Sharjah.[29] A business partner of "Qonof" confirmed he had organized delivery of charcoal during this period to the Sharjah-based warehouses of Al Baroudi Int Coal Trading LLC, a business that belongs to Egyptian businessman Hassan Mohamed Ahmed "Masry"[30] (see annex 9.3 and 9.4 for more details on Mehdi Da'ud and Hassan "Masry" and other major charcoal wholesalers).

52. In its 23 October 2013 letter to the Permanent Mission of the UAE to the United Nations, the Monitoring Group requested all customs documentation in respect of the Nafeya and the *Isha*. No response has been received.

Violations after September 2013

53. During the period between September 2013 and mid April 2014, the Monitoring Group documented exports of at least 5 million bags of charcoal from Kismayo and Barawe, with 1.09 million bags shipped on merchant vessels and 4.22 million bags shipped on wooden dhow vessels. While it has not been possible to identify all shippers, middlemen, and consignees related to each shipment, the Monitoring Group has nonetheless managed to identify key individuals involved in many of these shipments.

54. Following the resumption of the shipping season in September 2013, the Monitoring Group received information that charcoal dealers in Somalia were unsure as to whether to export from Somalia to the UAE, fearing their cargoes may be subject to a similar fate as the Energy 3 impounded in Port Rashid.[31]

55. While several vessels were loading charcoal at Kismayo and Barawe in September 2013, one small dhow, the *Al Karam*, had already completed loading and

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[27] Information provided by vessel owners in October 2013. Financial transactions running through one single money transfer agency and in the name of "Qonof" have amounted to more than USD 500,000 between 2011 and 2013. The name of his company, according to these financial transactions, is stated as Gedi General Trading.

[28] Information provided by representative of Wadi Al Nahar, 30 May 201, Dubai, UAE.

[29] Interview with business partner of Wadi Al Nahar, 30 May 2014, Dubai, UAE.

[30] Interview with business partner of "Qonof", 13 October 2013, Dubai, UAE.

[31] Three Somali individuals previously involved in the charcoal trade contacted the Monitoring Group during the course of September 2013 to ask if the UAE had "banned" charcoal from entering the UAE.

was sailing to the UAE to test whether customs authorities would allow entry of the cargo. The *Al Karam* attempted to off-load in Sharjah, where port authorities turned it away in late October 2013 (see below for full case). However, it eventually off-loaded in the Omani port of Khasab, just across the border from the UAE. The successful off-loading of the *Al Karam* signalled to charcoal traders in Somalia that a new entry point into the GCC region had been found, and shippers redirected their vessels accordingly.

56. Thereafter, the Monitoring Group continued to trace shipments from Kismayo and Barawe, and provided information and photographic evidence of off-loadings to the Omani authorities, which eventually blocked further charcoal imports into the ports of Khasab and Muscat by late January 2014. However, shippers then began finding new methods to smuggle charcoal into other neighbouring countries, notably through ports in Kuwait and again at Port Rashid in the UAE. In spite of several letters written by the Monitoring Group to the UAE and Kuwait providing details of charcoal arrivals, neither Government interdicted any of the cargoes or shared documentation submitted by the captain of any vessel that the Monitoring Group had identified as having transported Somali charcoal. This lack of cooperation has undermined investigations into consignees.

The case of the *Al Karam*

57. This case is significant given that the *Al Karam* was the first vessel to find a way to off-load Somali charcoal in a destination port following the resumption of the shipping season in September 2013. Its successful offloading in Khasab offered to other shippers from Kismayo and Barawe the option of off-loading in Oman.

58. On 23 October 2013, the Monitoring Group received information from sources in Sharjah Creek that the Indian-flagged dhow *Al Karam* loaded with 12,000 bags of charcoal from Kismayo had arrived at Sharjah Creek, where it was held at anchorage.[32] Following the refusal of UAE authorities to allow the vessel entry into port, the *Al Karam* charted another course. On 25 October 2013, the Monitoring Group informed the Permanent Missions of the UAE and Oman to the United Nations in writing that the vessel was on its way to Oman. In its correspondence to the Omani Permanent Mission on 4 November 2013, the Monitoring Group confirmed the vessel's arrival in Khasab port, in the Musandam Governorate of Oman. After offloading, the cargo was transported by road from Khasab across the border to warehouses in Sharjah (see annex 9.3 for more details on charcoal warehouses in Sharjah).

59. The Monitoring Group has identified the owner of the *Al Karam* as Abdirashid Issa Noah, a Somali businessman with Belgian nationality who was found facilitating a Somali-Islamic convention attended by radical Islamist leaders in Gent, Belgium. (See annex 9.2.f for ownership document related to the *Al Karam* and Noah's involvement with Islamist associations connected to Al-Shabaab.)

60. Neither the UAE nor Oman provided any response to requests for information and documentation of the *Al Karam*. In its response of 6 January 2014, however, the Oman authorities stated that they had no information on any vessel known as "Al Kamra", which is the incorrect name for the *Al Karam*. The Monitoring Group

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[32] Information received by two port sources at Sharjah, and one Somali trader in Dubai, UAE, 23 October 2013.

wrote back to the Omani mission on 17 January 2014 re-iterating its request for information on the vessel, correctly named the *Al Karam*, but has received no response to this follow up request.

Deliveries to Oman

Deliveries to the port of Khasab

61. Following the *Al Karam* delivery, the Monitoring Group received comprehensive information on at least five Indian-flagged wooden dhow vessels that successfully delivered charcoal from the Al-Shabaab-controlled port of Barawe to Khasab. These vessels are only a portion of those that delivered Somali charcoal to Oman, though their detailed profiling by the Monitoring Group serves as representative case material regarding principal actors involved in the supply of charcoal to Oman.

62. The Monitoring Group confirmed directly with the owners of the Indian-flagged *Haridham*, *Hari Prasad*, *Asif*, and *Arabian Star* vessels that each of them had chartered their vessels to parties that had loaded charcoal in Barawe and had offloaded in Khasab. The *Haridham* offloaded 25,000 bags of charcoal and appears in photographs in annex 9.2.g docked in Khasab on 18 November 2014. The *Asif* and *Hari Prasad* also offloaded a similar amount around the same time. The *Arabian Star* offloaded 25,000 bags of charcoal in mid-December 2014.[33] Shipping sources also confirmed the loading of the Indian-flagged *Uweesh Karani* in Barawe with 18,500 bags of charcoal and its arrival in Khasab in mid-November 2013.[34]

63. The owner of both the *Haridham* and *Hari Prasad* informed the Monitoring Group that he had received cash payment from "Qonof" for the transport of the charcoal. The Monitoring Group received further information that "Qonof" brokered the cargo carried on both the *Haridham* and *Hari Prasad* on behalf of Mehdi Da'ud and Hassan Mohamed Ahmed "Masry".[35] The owner of the *Asif* confirmed that he had received payment from an Omani broker. However, according to a source in Barawe, the charter of the *Asif* was partly brokered by Abdulwahab Noor Abdi (a.k.a. "Tomato"), a Somali broker who is a shareholder of the Dubai-based company Al Nezam Al Asasy General Trading LLC[36] (see annex 9.2.h for details on company shareholders). "Tomato" has confirmed that he is a business partner of Ali Ahmed Naaji.[37] In addition, the Monitoring Group documented two transfers totalling USD 40,000 sent by Ali Ahmed Naaji to "Tomato" during the course of November 2013.[38] According to local officials and businessmen in Kismayo, Ali

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[33] Information collected from owners of these vessels between December 2013 and March 2014. In an official response to the Monitoring Group provided in July 2014, the owners of the *Asif* and *Arabian Star* then changed their narrative by reporting the port of loading as Kismayo, whereas they had originally reported Barawe as the original port of loading. Shipping data in Kismayo does not corroborate the new claims of the owners of the *Asif* and *Arabian Star*.

[34] Information provided by three separate shipping sources in Dubai and Oman on 30 November 2013. A source in Barawe also corroborated the vessel's loading there, interview 1 December 2014.

[35] Information provided by two transporters who shipped charcoal from Somalia, 10 January 2014, Dubai, UAE.

[36] Interview with businessman based in Barawe, 17 January 2014.

[37] A source of the Monitoring Group discussed Ali Naaji directly with "Tomato" in March 2014.

[38] The Monitoring Group has received access to the account information of both individuals. The confidential documents are archived at the United Nations.

Ahmed Naaji and "Tomato" are important *zakat* collectors for Al-Shabaab.[39] A business partner of "Tomato" says that he also works closely with Mehdi Da'ud.[40]

64. The owner of the *Arabian Star* identified a UAE-based broker as the individual who paid him for the charter. This individual is still under investigation. Romatbhai Jusab Agariya, the registered owner of the *Uweesh Karani*, refused to provide details of who paid his company. Sources in the charcoal business stated that the ultimate consignee of the *Uweesh Karani* was Hassan Mohamed Ahmed "Masry".[41]

The case of the Fadhil Rabi/El Castaro

65. On 26 November 2013, the Monitoring Group documented the presence of the Somali-flagged general cargo vessel *Fadhil Rabi* (IMO 7223039) in Khasab and the offloading of 70,000 bags of charcoal, which it had loaded at Barawe in late October 2013.

66. While docked in the port of Khasab, the Monitoring Group observed that the name on the vessel had been changed to '*El Castaro*'. Indeed, military reporting earlier confirmed the *Fadhil Rabi* (IMO 7223039), bearing the name *El Castaro*, to be anchored in Barawe on 29 October 2013 and 2 November 2013 (in position 01°05'N, 044°01'E), and to be heading northeast parallel to the Somali coast just north of Mogadishu on 3 November 2013 (at 09:44 UTC in position 02°14'N, 046°01'E). While en route, the vessel was observed loaded with green bags of charcoal (see pictures of loaded vessel en route and of its arrival in Khasab in annex 9.2.i).[42]

67. The name change, which at the time had not been registered or reported to any maritime authority, was evidently intended to avoid monitoring and tracking of the vessel and its illegal cargo. Indeed, when naval coalition forces queried the captain of the *El Castaro* by VHF radio on 3 November 2013, he provided the following information, which again confirmed the vessel was in fact the *Fadhil Rabi* concealing its identity and the nature of its cargo:

Vessel flag: Somalia
IMO number: 7223039 (same as the *Fadhil Rabi*)
Port of Registry: Mogadishu, Somalia
Vessel owner or agency: Al Aqeed General Trading Company (UAE)
International call sign: 6OAL
Last Port of Call: Kismayo
Next Port of Call: Salalah (Oman)
Description of cargo: Dry lemon
Gross Tonnage: 1812 tons
Number of crew on board: 15

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[39] Interview with two Interim Jubbaland Administration officials, 15 December 2014 and 6 February 2014, and corroborated by two businessmen based in Kismayo, interviewed on 16 October 2014 and 14 December 2014. Locally, "Tomato's" operations are known as "Iskaashatada Yaanyo", which means the "Tomato Association".

[40] Interview with business partner of "Tomato", Dubai, UAE, 30 May 2014.

[41] Information provided by two transporters who shipped charcoal from Somalia, 10 January 2014, Dubai, UAE, and with two former charcoal wholesalers familiar with Hassan Masry's operations, 10 January 2014.

[42] Information received from naval coalition forces on 4 November 2013.

68. By falsely identifying the cargo as dry lemons, the Captain of the *Fadhil Rabi/El Castaro* was apparently aware that the charcoal he was carrying was illegal and in violation of the United Nations charcoal ban pursuant to resolution 2036 (2012). In addition, the Monitoring Group had previously identified the stated owner of the *El Castaro*, Al Aqeed General Trading Company, as the owner of the *Fadhil Rabi* (IMO 7223039) when it loaded charcoal at Kismayo in November 2012 (S/2013/413, annex 9.2). On that occasion, the owner claimed to the Monitoring Group that the *Fadhil Rabi* had loaded with cement and lemons, and not charcoal. Furthermore, the Monitoring Group found while tracking the movements of the vessel in 2012 that it was emitting false Automatic Identification System (AIS) positions to obscure its route.

69. On 1 June 2014, when the Monitoring Group visited the offices of Al Aqeed General Trading Company in Dubai, the owner of the vessel, Dahir Sheikh Omar Mohammed, explained that he had sold the *Fadhil Rabi* in December 2012 to a company called Noble Marine Services, and allowed the Group to review the sales contract. However, the sales contract made no reference to any beneficiary in the name of Noble Marine Services. Mr. Omar Mohammed then insisted that Noble Marine Services was represented by an Indian captain and a Somali business partner. After requesting to see evidence of a genuine financial transaction in respect of the vessel and contact details of the new owners, Mr. Omar Mohammed snatched the sales contract back, tore it up and requested the Monitoring Group to leave his office.[43]

70. The Monitoring Group had earlier noticed in July 2013 that according to maritime intelligence the ownership of the vessel had changed to "Pakistan Breakers",[44] suggesting that the vessel had been sold for scrap, while in fact it continued to ship charcoal under the assumed name of '*El Castaro*'. The change in ownership continued when on 4 June 2014 the name of the vessel was officially changed to 'Elcastaro', shortly after the Monitoring Group visited Mr. Omar Mohammed in his office.[45] While Mr. Omar Mohammed claims to have sold the vessel to Noble Marine Services, maritime intelligence indicates another change of ownership, this time to "Indian Breakers", again suggesting the vessel has been sold for scrap and broken up.[46] According to maritime industry data, Noble Marine Services is in care of Coral Coast Trading, a Dubai-based shipping company with no vessels registered under its name.[47]

71. Following the offloading of the *El Castaro* at Khasab in early December 2013, the Monitoring Group received information that the charcoal was being packed in vehicles with Omani license plates and driven by road past Ras Al Khaiamah to

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[43] Noble Marine Services is found to be an offshore maritime company registered in Kingstown, St. Vincent and the Grenadines, holding IMO number 1938539.

[44] As registered in Lloyds List Intelligence on 3 July 2013.

[45] As registered in Lloyds List Intelligence on 4 June 2014.

[46] As registered in Lloyds List Intelligence: broken up on 22 June 2014 and dead since 23 June 2014.

[47] http://www.wsdonline.com/showcomp2.asp?area=Ship+Owner&country=UAE&officeid=318997. A 2005 report of the Monitoring Group (S/2005/625) identified Coral Coast Trading and its representative, Abdullahi Ali Mohammed, as being involved in an illegal fishing scheme with the local Somali administration at the port of El Ma'an, north of Mogadishu, and Kenyan-based East Africa Sea Food Ltd as part of the Alpha Group of companies.

warehouses in Sharjah near the cement factory.[48] Meanwhile, on 26 November 2013, a major news organization broadcast video footage showing the transport of other charcoal on Omani-plated trucks by the coastal road from Khasab towards Ras Al Khaimah.[49]

Use of falsified certificates of origin

72. On 6 December 2013, in response to the Monitoring Group having provided photographic evidence of the offloading of the *Haridham* and *El Castaro*, the Omani authorities wrote to the Group stating that they had taken all measures to implement resolution 2036 (2012). However, the Monitoring Group wrote again to the Permanent Mission of Oman to the United Nations on 12 December 2013, reiterating several prior requests for customs documentation in respect of the charcoal shipments it had confirmed as arriving in Khasab from Somalia. The Omani authorities responded on 6 January 2014, providing Djiboutian certificates of origin for the charcoal off-loaded by the *Uweesh Karani*, *Haridham* and *El Castaro* and therefore maintaining that the charcoal had not been imported from Somalia.

73. The Monitoring Group had already informed the Omani authorities in its correspondence of 27 November 2013 that shippers were providing certificates of origin from countries other than Somalia. Given the evidence the Monitoring Group has acquired from signals data and confirmations by the owners of the vessels themselves, there can be no doubt that the vessels and their cargo originated in Somalia and that the documentation from Djibouti had been falsified.

74. Indeed, the company that certified the cargoes as Djiboutian is called Red Sea Transit and Transport, a Djibouti-based company that the Monitoring Group has previously identified (S/2013/413, annex 9.2) for issuing false documentation to facilitate the import of Somali charcoal at destination ports (full evidence of the companies involved in falsifying documents is provided in annex 9.4).

Deliveries to the port of Muscat

75. Following measures by the Omani authorities to block charcoal imports into Khasab port, the Monitoring Group wrote to the Permanent Mission of Oman to the United Nations on 17 January 2014 requesting information on eight wooden dhows carrying Somali charcoal that the Group understood had diverted course to Muscat. The Monitoring Group has obtained full confirmation that five of these eight dhows offloaded charcoal in mid-January 2014 at Muscat, namely the *Isha*, *Al Safa*, *Barari*, *Azmat* and *Daudi*.

76. The owner of the Indian-flagged *Isha* and *Al Safa*, confirmed that his vessels originated in Kismayo and off-loaded cargoes of 25,000 bags and 15,000 bags of charcoal in Muscat during the course of January 2014.[50] Once again the *Isha* had

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[48] Information provided by an eyewitness of trucks crossing the border from the Musandam Governorate towards Ras Al Khaimah. Information reported on 22 December 2013.

[49] Footage broadcast at http://www.aparchive.com/metadata/UAE-Charcoal/3e5668a24ad30a91e1bbbe28293421b7?query=somali+charcoal&current=1&orderBy=Relevance&hits=15&referrer=search&search=%2fsearch%3fstartd%3d%26endd%3d%26allFilters%3d%26query%3dsomali%2bcharcoal%26advsearchStartDateFilter%3d%26advsearchEndDateFilter%3d%26searchFilterHdSDFormat%3dAll%26searchFilterDigitized%3dAll%26searchFiltercolorFormat%3dAll%26searchFilteraspectratioFormat%3dAll&allFilters=&productType=IncludedProducts&page=1&b=3421b7.

[50] Information confirmed over several conversations with the owner, between February and June 2014.

been chartered by Wadi Al Nahar General Trading, a known partner of Mehdi Da'ud (see above).[51] The broker who paid for the transport of charcoal on the *Al Safa* was Abdulrahman Ali Warsame aka "BBC", who has been confirmed to be Abdirahman Mohamud Warsame (a.k.a. "Dhaqalayste"), the importer for the *MV Energy 3*.[52]

77. The *Barari* originated in Barawe and offloaded charcoal in Muscat in mid-January 2014.[53] The company that manages the *Barari* is Naseem Al Barari General Trading, based in Dubai and run by Iraqi and Jordanian shareholders (see annex 9.2.j for the names of the shareholders). In June 2014, the Monitoring Group visited the offices of this company, where a representative who only gave his name as "Babu" stated that the *Barari* had been carrying charcoal from Somalia. He refused to provide details of who had chartered the *Barari*.

78. While shipping sources confirmed that the Indian-flagged *Azmat* originated from Kismayo,[54] the Monitoring Group obtained the bill of lading for this vessel, which purported the 30,000 bags of charcoal cargo to have originated from Djibouti (see annex 9.2.k). The bill of lading was raised by Clarion & Shewall Shipping SARL, a Djibouti-based company which, along with Red Sea Transit and Trading, has routinely issued false bills of lading for Somali charcoal (see annex 9.4 for more evidence on falsified paperwork and those involved). The consignee on the bill of lading for the *Azmat* was noted as Abu Mansour United Company in Muscat, which is a known agent for Hassan Mohamed Ahmed "Masry".[55]

79. According to an eyewitness, charcoal offloaded in Muscat was packed onto trucks with Omani license plates and transported across the Hatta crossing on the Oman-UAE border, and then onward to warehouses in Sharjah.[56] The eyewitness, who previously worked in the charcoal business, confirmed that some of the charcoal was destined for Al Baroudi Int Coal Trading and for another warehouse belonging to a Syrian charcoal dealer known as Yousef Moussa Sahu "Siri".

80. On 17 January 2014, the Monitoring Group visited a cluster of warehouses near the cement factory in Sharjah where it observed Omani-plated trucks delivering charcoal into several warehouses, including Al Bahi Coals, which belongs to Yousef Moussa Sahu "Siri". (Full details of charcoal wholesalers in Sharjah are provided in annex 9.3.)

81. In its correspondence dated 17 January 2014, the Monitoring Group alerted the Omani authorities that shippers were specifically providing false Djiboutian and Kenyan certificates of origin for importing Somali charcoal. On 12 February 2014, the Omani

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[51] Information provided by the owner of the *Isha*, 30 May 2014.

[52] As provided by the owner of the Al Safa, 30 May 2014, and a personal contact of "Dhaqalayste" who confirmed his other alias as "BBC", August 2014.

[53] Information provided by a Somali broker operating vessels between Somalia and the UAE, 1 February 2014.

[54] Information of the *Azmat*'s loading in Somalia has been confirmed by three shipping sources in Dubai and Kismayo, who provided the information between February and March 2014.

[55] Sources who visited the ports of Khasab and Muscat on behalf of the Monitoring Group in December 2013 and January 2014 confirmed the link between Abu Mansour United Company and Al Baroudi Int Coal Trading.

[56] The eyewitness present on the Hatta gateway on 8 January 2014, 12 January 2014, 16 January 2014 and 17 January 2014 reported seeing trucks filled with charcoal passing this border crossing on these dates.

authorities wrote back to inform the Monitoring Group that as of 23 January 2014, it had blocked all further imports of Kenyan and Djiboutian marked charcoal into Muscat.

82. The Monitoring Group met with the Permanent Representative of Oman to the United Nations on 25 March 2014 and briefed her and her staff on the need to acquire all customs documentation for vessels it had identified as having offloaded in Oman, in order to investigate the consignees further. It also wrote an official request on 1 April 2014 for documentation on nine vessels, including the *Azmat*, which offloaded in Oman. While the Omani authorities have blocked charcoal imports, responses to requests by the Monitoring Group for customs documentation on all vessels that are known to have offloaded charcoal in Khasab and Muscat during the above time frame remain unanswered.

Deliveries to Kuwait and the UAE

83. Following efforts by the Omani authorities to block charcoal imports into Muscat, the Monitoring Group received information that charcoal traders quickly diverted shipments from Somalia to Doha Port in Kuwait and to Port Rashid in the UAE. The Monitoring Group has obtained confirmations of at least 35 vessels that left Kismayo and Barawe between early February and the end of May 2014, which arrived in either Doha Port in Kuwait or Port Rashid in the UAE. While not all of these shipments have been fully documented, the Monitoring Group can present a few select cases below that illustrate how dhow traffic shifted from Oman to Kuwait and back to the UAE.

Deliveries to Kuwait

84. Three owners confirmed their vessels carrying charcoal as having arrived in Kuwait in February and March 2014. In a letter dated 20 February 2014, the Monitoring Group informed the Permanent Representative of Kuwait to the United Nations that the owner of the Indian-flagged *Amir Ali* had confirmed that his vessel carrying 45,000 bags of charcoal had sailed from Kismayo to Kuwait (see annex 9.2.l for a picture of the vessel). The vessel offloaded in Doha in early February 2014.[57]

85. Meanwhile, the owner of the Indian-flagged *Sea Star* and *Shane Hind* confirmed that both his vessels offloaded 22,000 and 17,400 bags of charcoal in Kuwait in early March 2014, sourced from Kismayo and Barawe respectively.[58]

86. Shortly after 4 January 2014, pirates hijacked the *Shane Hind* off Barawe, where it had loaded Somali charcoal, and used it as a mother vessel (see annex 9.2.m for a picture of the hijacked vessel with charcoal aboard). International naval forces rescued the vessel two weeks later, on 18 January 2014, and obtained the shipping documents of the cargo from the captain. One bill of lading showed the vessel had loaded its charcoal in Brava (Barawe). Another bill of lading purported the vessel had originated in Mombasa, Kenya, and was due to travel to Muscat, Oman (see annex 9.2.n for copies of conflicting bills of lading). Given the testimony of the owner of the vessel, who confirmed the vessel originated in Barawe and the evidence collected by the naval forces, it is evident that the bill of lading, issued by the Mohash Business Co Ltd in Kenya and stamped by Kenyan port authorities, was falsified (see annex 9.4 regarding falsified documentation).

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[57] Information provided by the owner of the *Amir Ali*, telephone call on 13 February 2014.

[58] Interview with the owner of the vessels, 16 April 2014, by telephone.

87. The consignee of the *Shane Hind*'s cargo was noted as Abu Mansour United Company, who as described above, is a known agent in Muscat operating on behalf of Hassan Mohamed Ahmed "Masry" of Baroudi Int Coal Trading LLC in Sharjah. Hassan Mohamed Ahmed "Masry" reportedly owns at least one charcoal storage warehouse in Kuwait, where he would have been able to take charge of the cargo following its diversion from Muscat to Kuwait.[59] When the Monitoring Group contacted Hassan Mohamed Ahmed "Masry" in June 2014, he sent a text message back to the Group from a Kuwaiti number.[60]

88. Another hijacked dhow, the Indian-flagged *Al Nazir*, was also disrupted and boarded by international naval forces on 26 April 2014. Documentation obtained by naval forces from the captain confirmed that the vessel had loaded 880 tonnes of charcoal in Somalia, which was purchased from a dealer in Barawe. The destination on the manifest was specified as Kuwait with the consignee of the shipment named as Farah Hussein Hassan (see annex 9.2.o for a picture of the vessel and manifest), who is known to be a major shareholder in Wadi Al Hijaz Coal Trading LLC, one of the main charcoal storage warehouses in the Sharjah industrial zone, near the cement factory (see annex 9.3 for more on this company and other warehouses). The *Al Nazir* vessel is registered in India to Hajiamad J. Agariya, a member of the Agariya family that owns a number of vessels involved in the charcoal trade (see annex 9.5 regarding the Agariya family vessels).

89. On 4 April 2014, the Monitoring Group wrote to the Permanent Mission of Kuwait to the United Nations requesting customs documentation on 19 vessels that at the time were understood to have set sail for Doha port, including the *Shane Hind* and the *Amir Ali*, but has received no response.

Deliveries to Port Rashid

90. The Monitoring Group has obtained confirmation from the owners of the Indian-flagged *Shere Nausad* and *Haridwar* that their vessels carried 17,000 and 32,000 bags of charcoal respectively from Kismayo to Port Rashid. In addition, the owner of the Khaliduni, who had leased these vessels to Naseem Al Barari General Trading LLC, confirmed that this vessel had also carried charcoal from Somalia into Port Rashid prior to May 2014.[61] As mentioned above, the Monitoring Group visited Naseem Al Barari General Trading LLC, where a company representative who only gave his name as "Babu" confirmed that his company managed several vessels that were importing cargo from Somalia, and said that he would provide written answers to questions by the Monitoring Group. No responses were forthcoming to subsequent attempts by the Group to acquire more information from the company.

91. The Monitoring Group has acquired photographic evidence of several vessels offloading Somali charcoal in Port Rashid between March 2014 and June 2014. In March 2014, the Indian-flagged *Al Rehan* and *Shere Nausad* were photographed offloading in Port Rashid. In May 2014, the Indian-flagged *Hari Prasad* and the *Al Mukhtar* were photographed in Port Rashid, and then subsequently witnessed as offloading charcoal. On 12 June 2014, the Indian-flagged *Haridwar*, *Al Kadri*, and

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[59] Information provided by a businessman based in Kuwait, 15 October 2013, and confirmed by a Somali charcoal dealer in Dubai, UAE, 1 June 2014.

[60] Text message exchange on 18 June 2014.

[61] Interview with owner, 1 June 2014, Dubai, UAE.

Rukmavati were all photographed offloading charcoal in Port Rashid. Shipping information received from Kismayo and from sources at Port Rashid all confirm that all these vessels carried charcoal from Somalia.[62] One of the trucks that was observed collecting offloaded charcoal in Port Rashid on 16 June 2014 belongs to Al Qaed International Trading LLC, owned by Baba Mansoor Ghayedi (a.k.a. Haji Baba), who was previously identified by the Monitoring Group (S/2013/413, annex 9.2) as one of the largest importers of charcoal into the UAE. (See annex 9.2.p for photographs of offloading operations.)

92. Furthermore, the Monitoring Group received information from sources at Port Rashid that all these shipments were then transported to the cluster of warehouses in Sharjah[63] (see annex 9.3 on warehousing operations). Indeed, the Monitoring Group obtained the manifest for the *Rukmavati*, which noted the consignee as Baroudi International Charcoal Trading (Sharjah), the warehouse of Hassan Mohamed Ahmed "Masry" (see annex 9.2.q). The shipping agent on the manifest was Mohash Business Co Ltd, the same company that issued the false bill of lading for the *Shane Hind*. (More examples of false manifests declaring charcoal deliveries for Port Rashid appear in annex 9.4.)

93. Following a number of unanswered letters from the Monitoring Group to the UAE requesting documentation, at the request of the Permanent Mission of the UAE to the United Nations, the Group consolidated its data from its previous letters on 27 March 2014. This email made reference to 14 vessels that had off-loaded in Port Rashid, including the *Al Rehan*, *Haridwar* and *Shere Nausad*, and requested customs documentation for all these vessels. The Permanent Mission of the UAE has not yet responded to this request.

Summary

94. In summary, the above investigations have revealed:

1. A trend of shipping from the UAE, to Oman and Kuwait, and back again to the UAE (detailed in this annex 9.2).
2. Wholesale end users identified as operating warehouses in Sharjah (further detailed in annex 9.3).
3. Falsification of shipping documents, involving companies from Djibouti and purportedly from Kenya (further detailed in annex 9.4).
4. The transport of charcoal appears to mainly take place on Indian-registered dhows (further detailed in annex 9.5).

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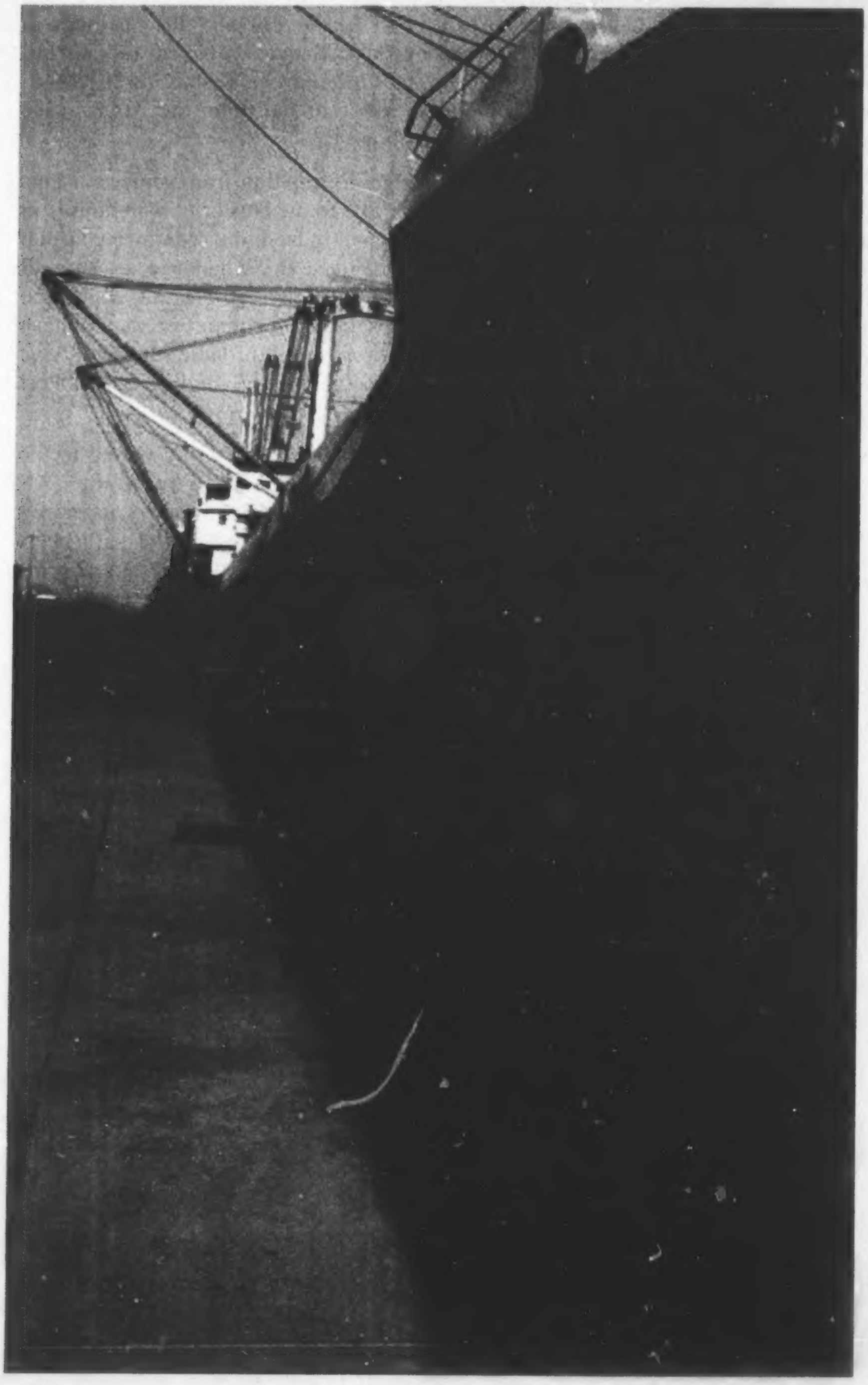
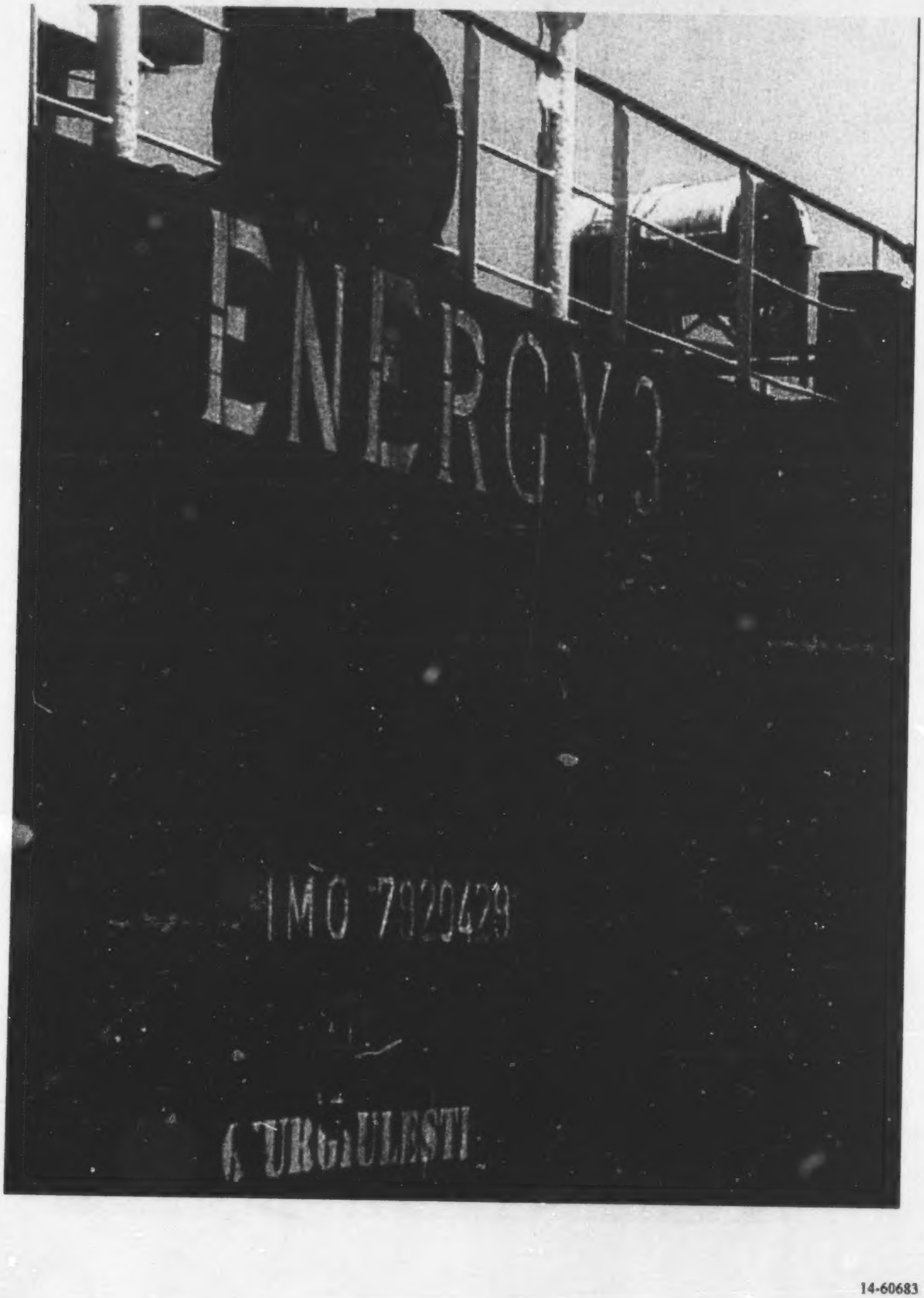
[62] Shipping data provided by port sources in Kismayo. Two sources at Port Rashid confirmed the arrivals from Somalia in June 2014.

[63] Interview by telephone with two sources at Port Rashid, 18 June 2014.

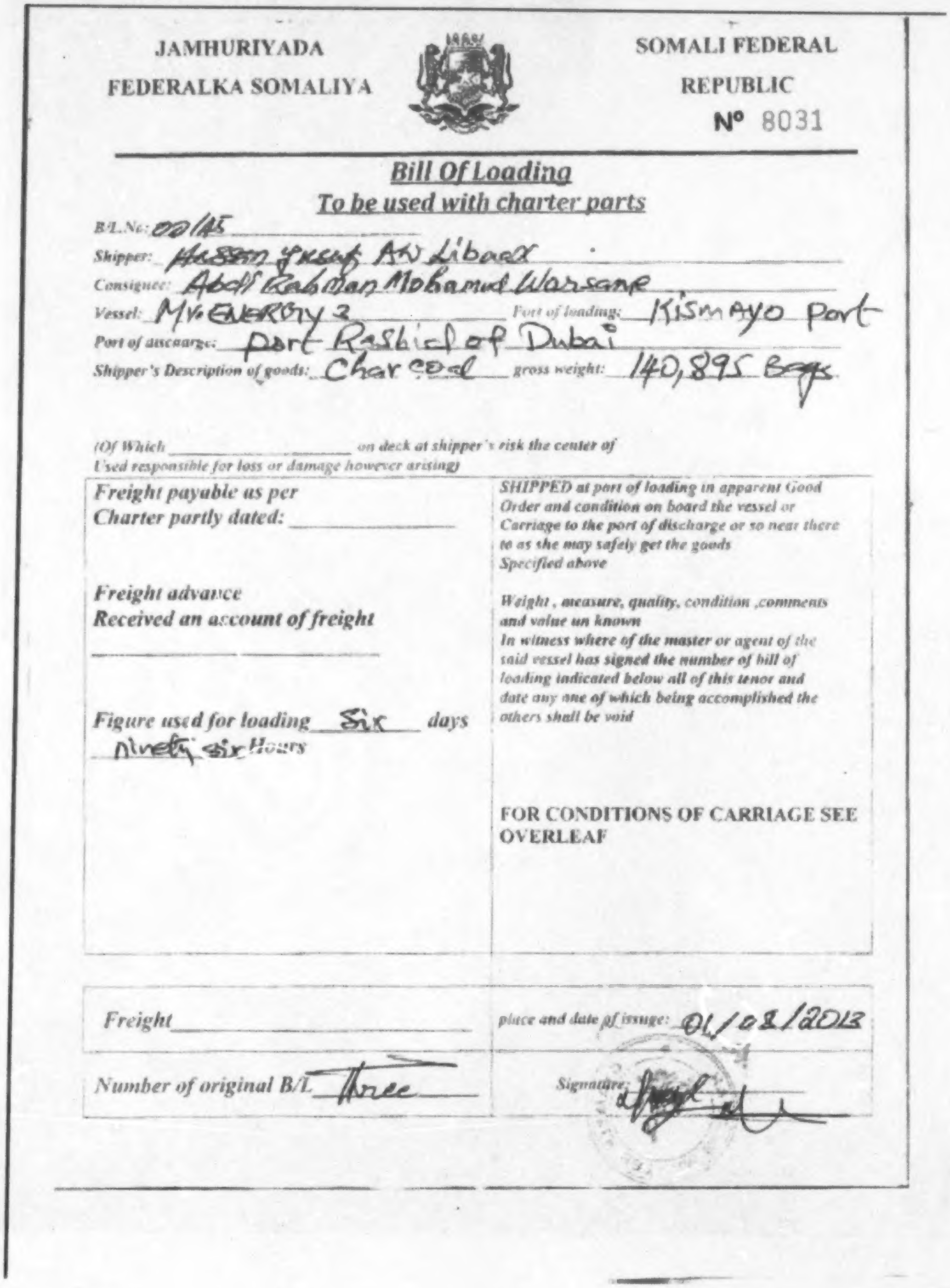
Annex 9.2.a: *MV Victoria* offloading charcoal in Port Rashid, UAE, on 4 August 2013



Annex 9.2.b: *MV Energy 3* docked at Port Rashid, UAE, with charcoal cargo


ENERGY 3
IMO 7920429
GIURGIULESTI

Annex 9.2.c: Bill of lading for the *MV Energy 3*



JAMHURIYADA
FEDERALKA SOMALIYA

SOMALI FEDERAL
REPUBLIC
Nº 8031

Bill Of Loading
To be used with charter parts

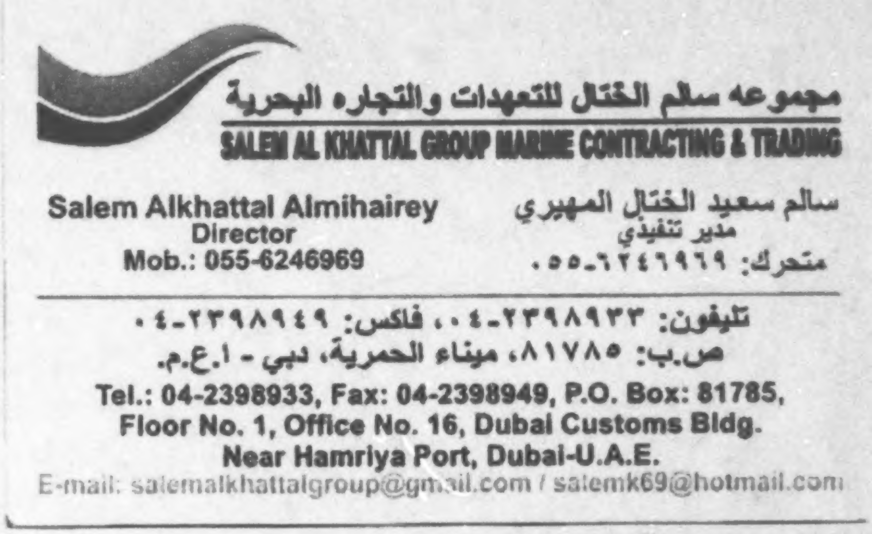
B/L.No: 00/45
Shipper: Hassan yusuf AW Libaax
Consignee: Abdi Rahman Mohamud Warsame
Vessel: MV. ENERGY 3 *Port of loading:* Kismayo Port
Port of discharge: port Rashid of Dubai
Shipper's Description of goods: Charcoal *gross weight:* 140,895 Bags

(Of Which ______________ on deck at shipper's risk the center of Used responsible for loss or damage however arising)

Freight payable as per Charter partly dated: ______	***SHIPPED at port of loading in apparent Good Order and condition on board the vessel or Carriage to the port of discharge or so near there to as she may safely get the goods Specified above***
Freight advance Received an account of freight ______	***Weight, measure, quality, condition, comments and value un known*** ***In witness where of the master or agent of the said vessel has signed the number of bill of loading indicated below all of this tenor and date any one of which being accomplished the others shall be void***
Figure used for loading Six ***days*** Ninety six ***Hours***	**FOR CONDITIONS OF CARRIAGE SEE OVERLEAF**

Freight ______	***place and date of issue:*** 01/08/2013
Number of original B/L three	***Signature:***

Annex 9.2.d: Business card of Salem Alkhattal Almihairey



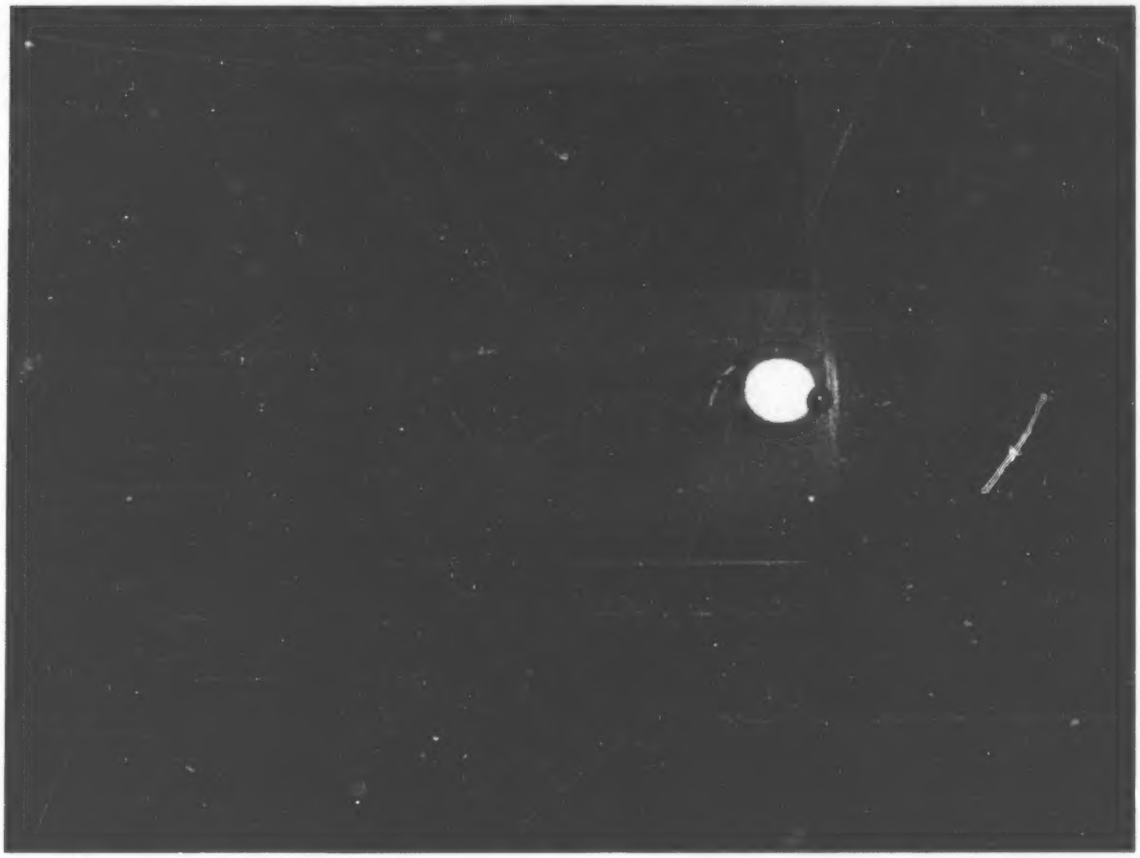
مجموعه سالم الختال للتعهدات والتجاره البحرية
SALEM AL KHATTAL GROUP MARINE CONTRACTING & TRADING

Salem Alkhattal Almihairey
Director
Mob.: 055-6246969

سالم سعيد الختال المهيري
مدير تنفيذي
متحرك: ٠٥٥-٦٢٤٦٩٦٩

تليفون: ٠٤-٢٣٩٨٩٣٣، فاكس: ٠٤-٢٣٩٨٩٤٩
ص.ب: ٨١٧٨٥، ميناء الحمرية، دبي - ا.ع.م.
Tel.: 04-2398933, Fax: 04-2398949, P.O. Box: 81785,
Floor No. 1, Office No. 16, Dubai Customs Bldg.
Near Hamriya Port, Dubai-U.A.E.
E-mail: salemalkhattalgroup@gmail.com / salemk69@hotmail.com

Annex 9.2.e: Wadi Al Nahar office and shareholders



DATE: 23/10/2013

Company Profile.

Member Number: 133729

Company Name: WADI AL NAHAR GENERAL TRADING L.L.C.

Nationality: United Arab Emirates.

d Economic Development. License Number: 663022 License Issue Auth.: Department

Registration Date: 21/01/2012 Commercial Reg No: 109000

Legal Status: Limited Liability Company

ADDRESS.

Po Box Number: 41075

Email Address: Phone: Fax:

Street: Area:

Building Name: N/A

License Expiry Date: 10/01/2014 License Issue Date: 11/01/2012

Membership Expiry Date: 10/01/2014 Membership Renewal Date: 28/01/2013

Authorized Capital: No Of Employees:

ACTIVITIES.

General Trading,

PARTNERS.

%

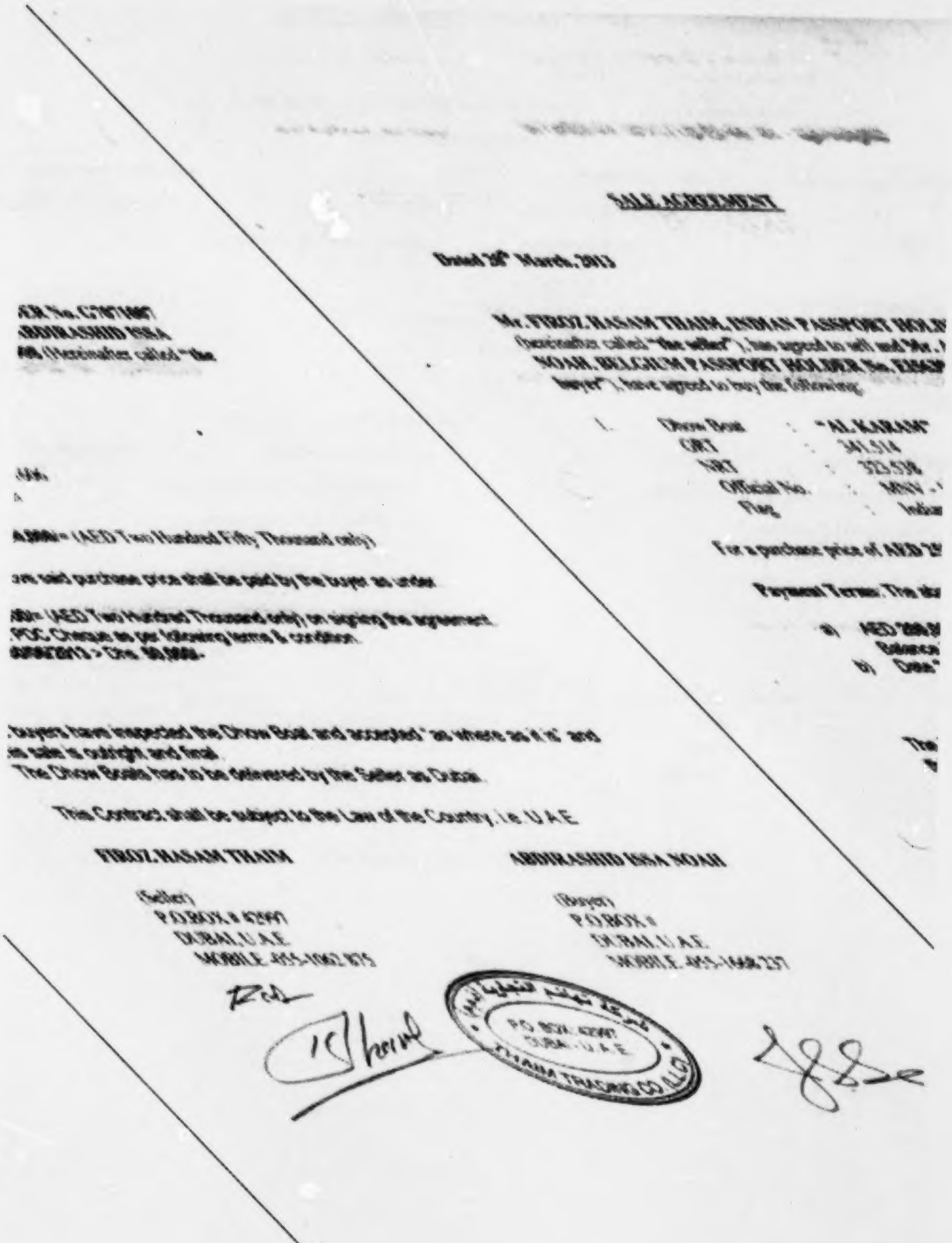
AMZA United Arab Emirates 51.000 Partner ABDULLA MOHAMAD ALI TAHIR

Somalia 17.000 Partner TAHER ALI AHMED

Somalia 16.000 Partner ABDI MOOSA MOHAMMAD

Kenya 16.000 Partner HUSSAIN NOOR ALI

Annex 9.2.f: Ownership document related to the *Al Karam* and Abdirashid Issa Noah's involvement with Islamist associations connected to Al-Shabaab



SALE AGREEMENT

Dhow Boat : "AL KARAM"

GRT :

NRT :

Official No. :

Flag :

(AED Two Hundred Fifty Thousand only)

said purchase price shall be paid by the buyer as under

(AED Two Hundred Thousand only) on signing the agreement.

PDC Cheque as per following terms & condition.

buyers have inspected the Dhow Boat and accepted " as where as it is" and the sale is outright and final.

The Dhow Boats has to be delivered by the Seller as Dubai.

This Contract shall be subject to the Law of the Country i.e. U.A.E.

ABDIRASHID ISSA NOAH

(Seller)
P.O.BOX # 42997
DUBAI, U.A.E.

(Buyer)
P.O.BOX #
DUBAI, U.A.E.

P.O. BOX: 42997
DUBAI - U.A.E.
THAIM TRADING CO. (L.L.C)

Abdirashid Issa Noah and SOBSI

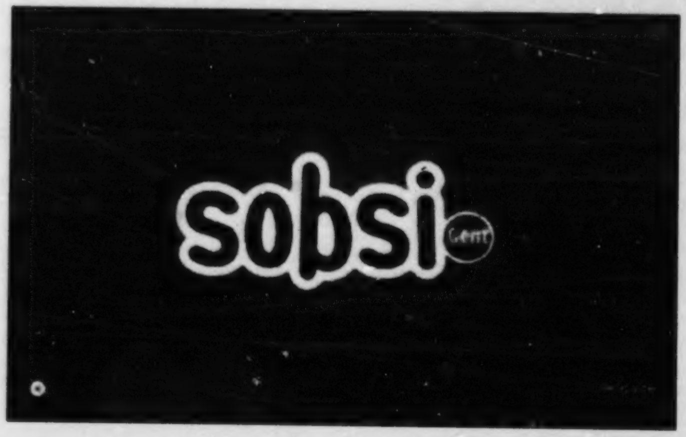
The Belgian owner of the *Al Karam*, Abdirashid Issa Noah, has reportedly been a shareholder in the charcoal business since 2009. He fully committed himself to the business by relocating to Dubai, UAE, where in March 2013 he purchased the *Al Karam* for AED 250.000.[64] He regularly travels between Dubai, Nairobi and Brussels, and around the end of October 2013 he was reportedly in Barawe or Kismayo from where he was calling family and friends in Belgium.

In Gent, Belgium, Abdirashid Issa Noah also runs the subsidized non-profit local community organization SOBSI,[65] which purportedly organizes sports and cultural activities to encourage exchanges between different communities.

However, on 27 and 28 June 2009, in contrast with the purpose and reported activities of the organization, SOBSI organized the first Somali Islamic convention in Belgium, offering a pulpit to the phenomenon of the "flying imams and clerics" propagating the Wahabi-Salafi ideology.

One of the speakers at the event was Sheikh Ahmed Dahir Aweys, the brother of Hassan Dahir Aweys, a former leader of Al-Itihaad al-Islamiya (AIAI), Hizbul Islam and Al-Shabaab, and who is sanctioned by the United Nations.

Screenshot video footages of the 2009 Somali-Islamic convention organized by SOBSI in Gent[66]



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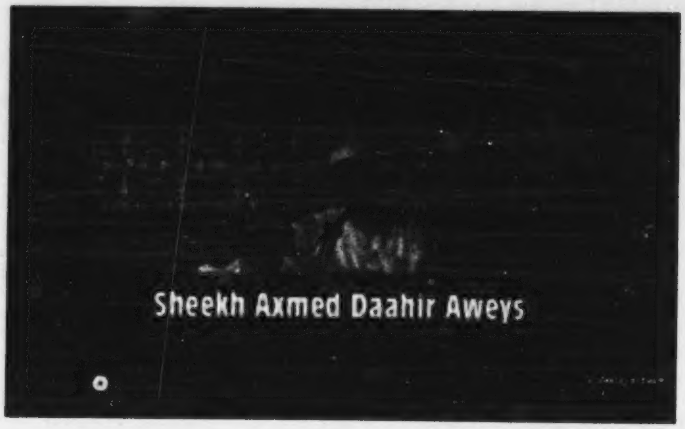
[64] 250.000 United Arab Emirates Dirham is the equivalent of approximately USD 68.000.

[65] Association for Somali-Belgian social integration, established in 2005.

[66] http://www.youtube.com/watch?v=ul4dsVk4X30.

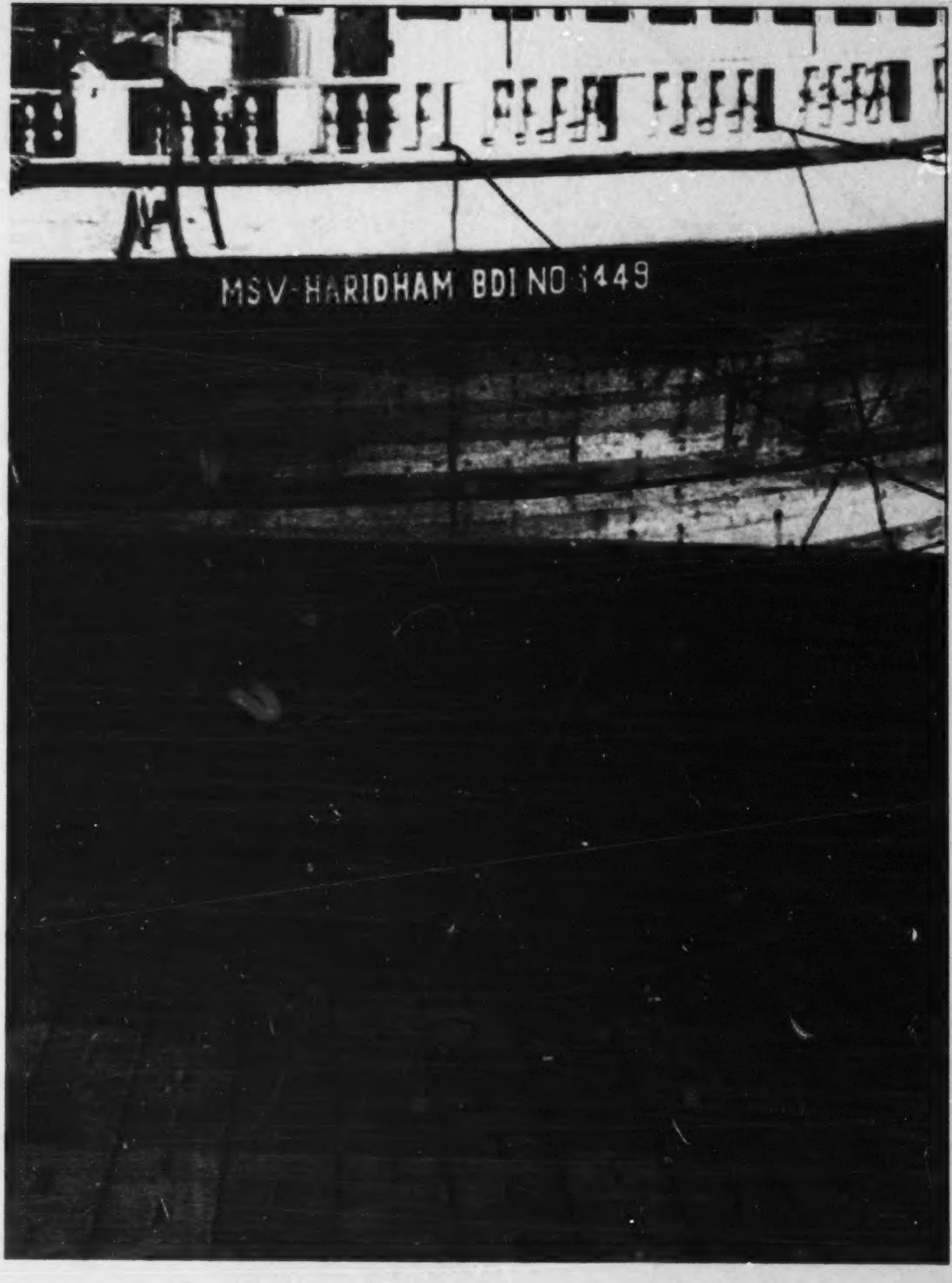


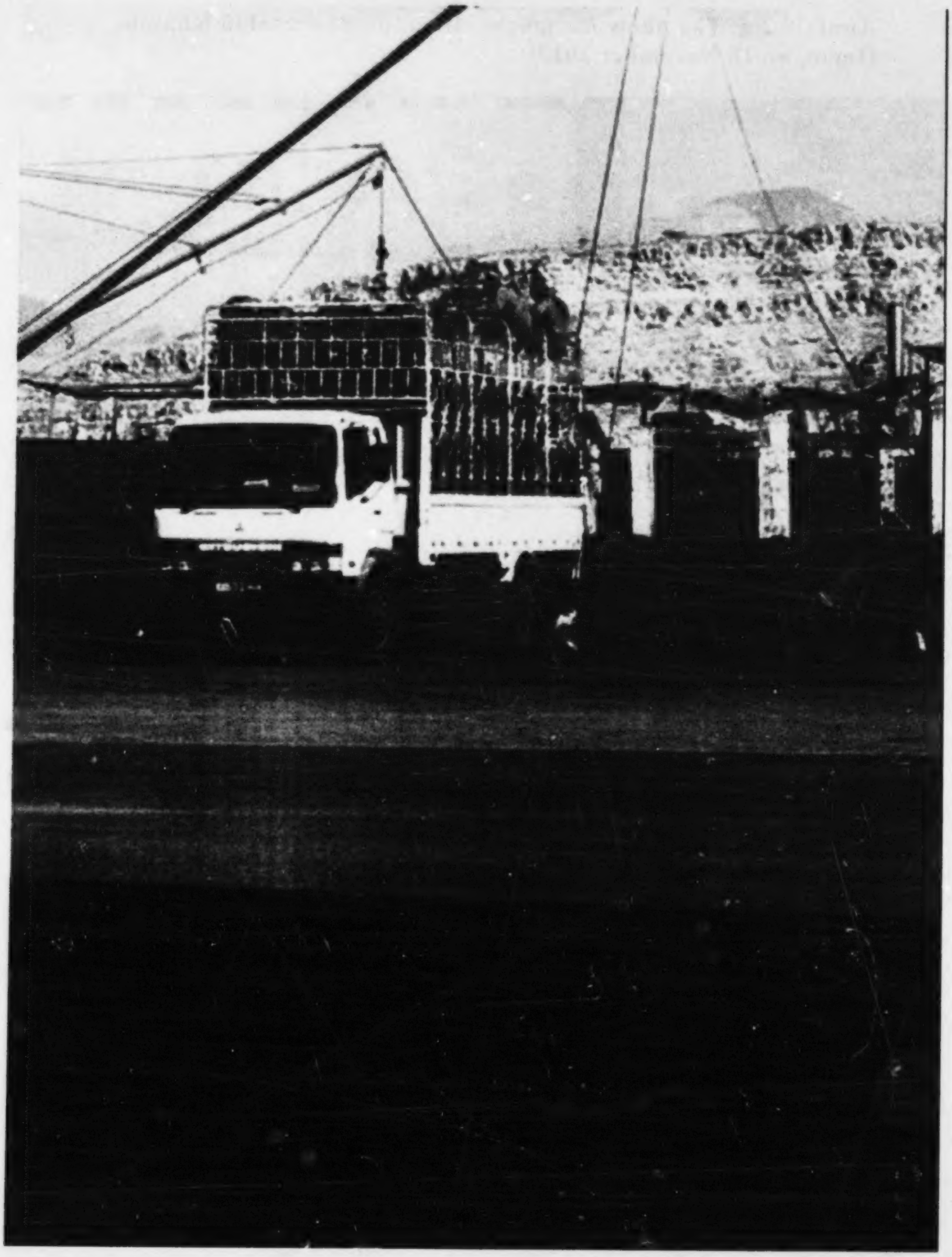
The convention, which took place at the Turkish Tevhid mosque in Gent, was attended by roughly 150 Somali individuals from the Netherlands and Belgium, the vast majority belonging to the Darood/ Harti and Hawiye/Abgaal clans.

On the margins of the convention, SOBSI organized a discrete fund-raising effort in support of Hizbul Islam factions. During and following the event, different coordinators of SOBSI, including Chairman Abdirashid Issa Noah, reportedly raised a total of Euros 23,000 in both Belgium and the Netherlands. On 25 July 2009, the funds were reportedly transferred to Mogadishu, Somalia, in support of Hizbul Islam's ARS and Anoole factions.

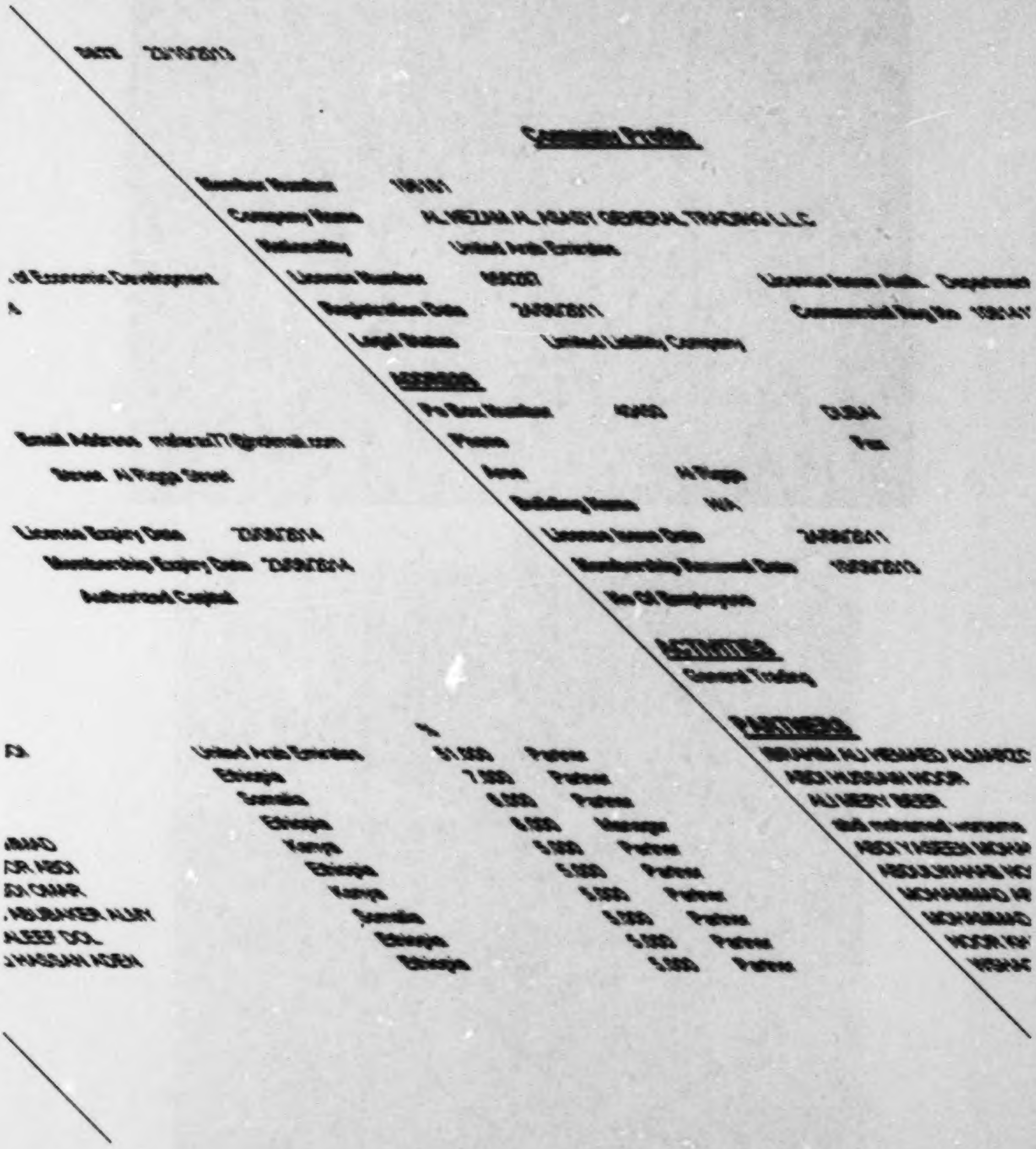
For the past five years, various Government and other agencies in Belgium have funded SOBSI in support of its social activities. Although, in 2010 the City Council of Gent criticized one of their grant proposals for not being realistic, for not budgeting revenues and for overestimating the costs of their planned activities.

Annex 9.2.g: The dhow *Haridham* offloading charcoal in Khasab, Oman, on 18 November 2013

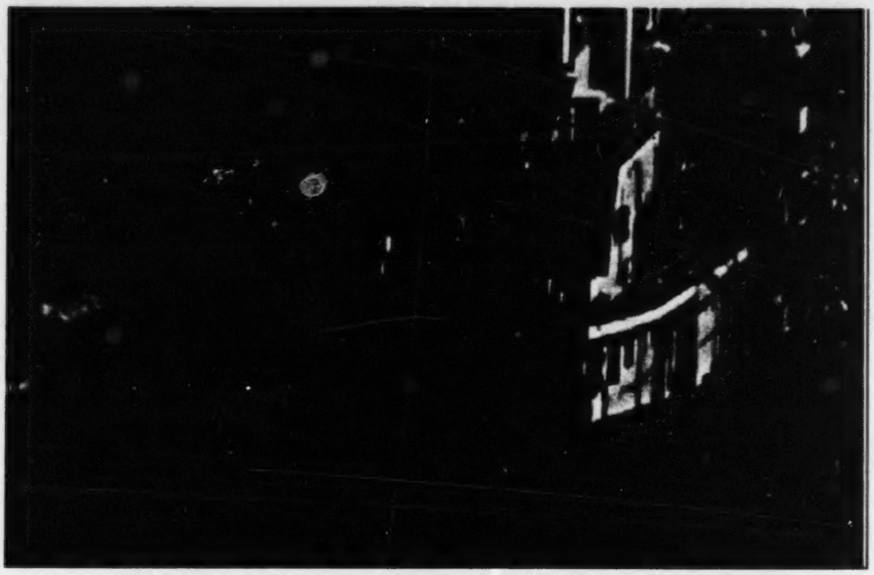

MSV-HARIDHAM BDI NO 1449



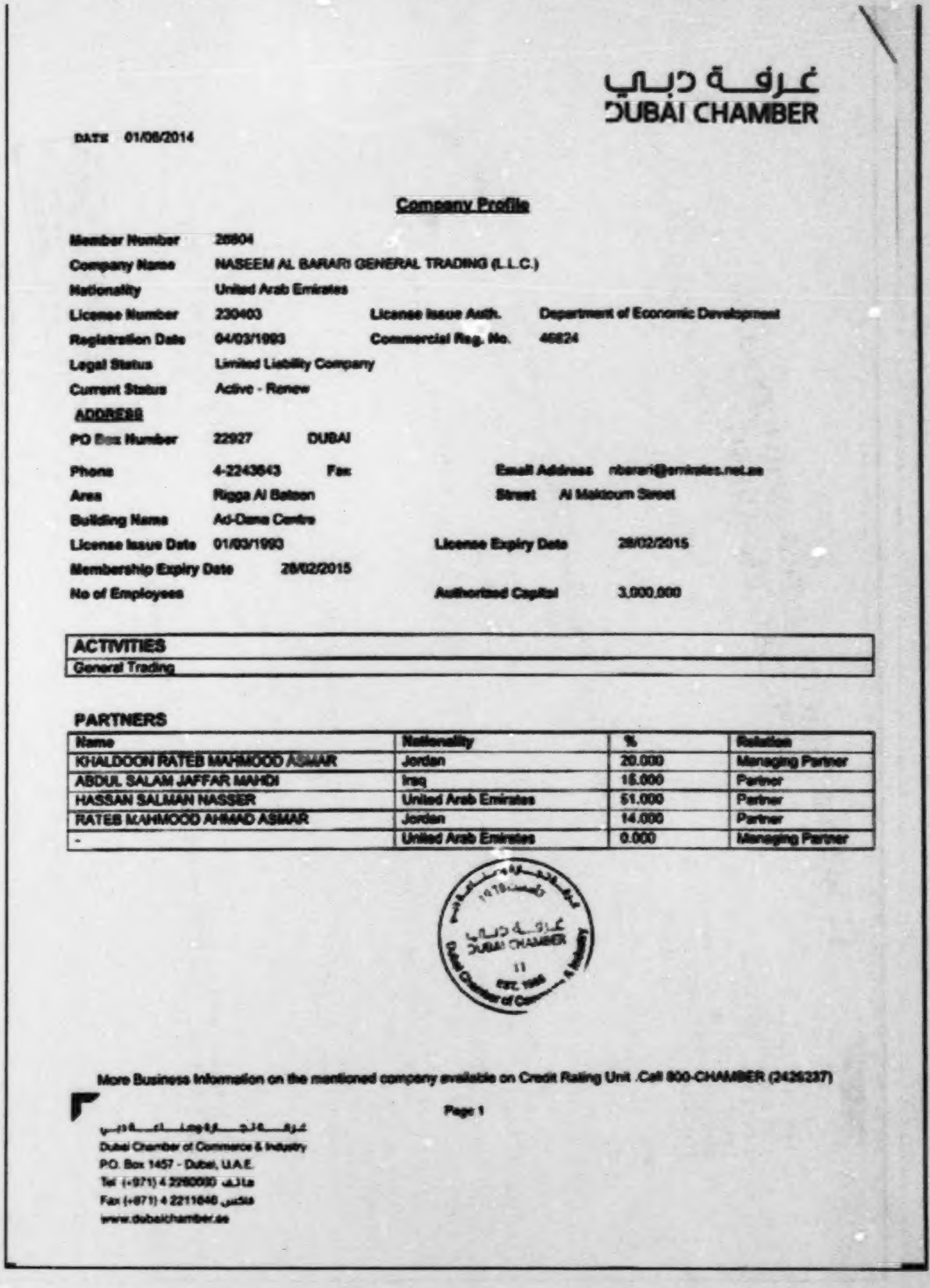
Annex 9.2.h: Shareholders of Al Nezam Al Asasy General Trading LLC



Annex 9.2.i: The *El Castaro* en route from Barawe towards Khasab, Oman, and offloading at Khasab



Annex 9.2.j: Shareholders of Naseem Al Barari General Trading LLC



غرفة دبي
DUBAI CHAMBER

DATE 01/06/2014

Company Profile

Member Number 26804
Company Name NASEEM AL BARARI GENERAL TRADING (L.L.C.)
Nationality United Arab Emirates
License Number 230403 **License Issue Auth.** Department of Economic Development
Registration Date 04/03/1993 **Commercial Reg. No.** 46824
Legal Status Limited Liability Company
Current Status Active - Renew

ADDRESS

PO Box Number 22927 DUBAI
Phone 4-2243643 **Fax** **Email Address** nbarari@emirates.net.ae
Area Rigga Al Buteen **Street** Al Maktoum Street
Building Name Ad-Dana Centre
License Issue Date 01/03/1993 **License Expiry Date** 28/02/2015
Membership Expiry Date 28/02/2015
No of Employees **Authorized Capital** 3,000,000

ACTIVITIES
General Trading

PARTNERS

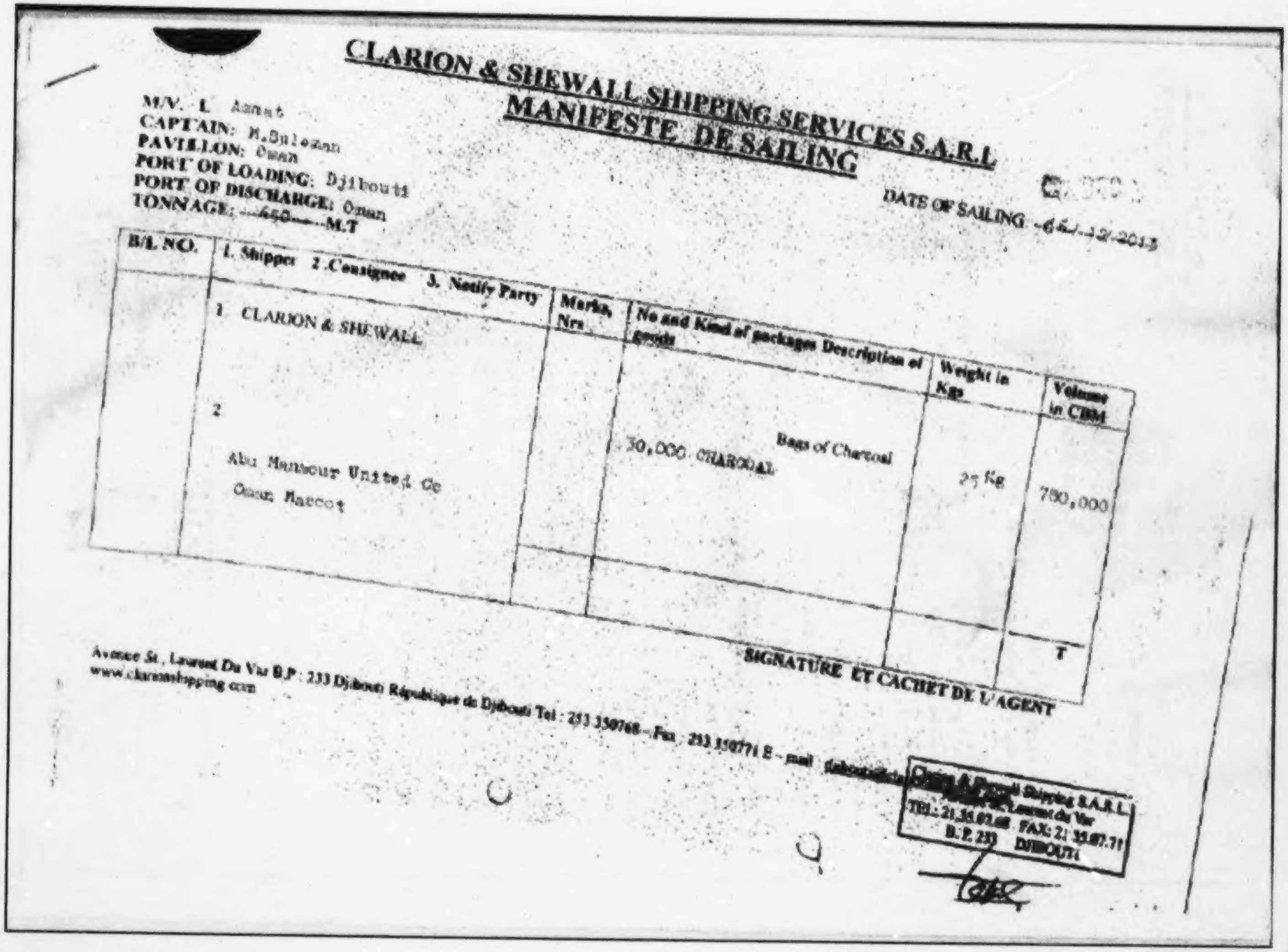
Name	Nationality	%	Relation
KHALDOON RATEB MAHMOOD ASMAR	Jordan	20.000	Managing Partner
ABDUL SALAM JAFFAR MAHDI	Iraq	15.000	Partner
HASSAN SALMAN NASSER	United Arab Emirates	51.000	Partner
RATEB MAHMOOD AHMAD ASMAR	Jordan	14.000	Partner
-	United Arab Emirates	0.000	Managing Partner

More Business Information on the mentioned company available on Credit Rating Unit .Call 800-CHAMBER (2426237)

Page 1

غرفة تجارة وصناعة دبي
Dubai Chamber of Commerce & Industry
P.O. Box 1457 - Dubai, U.A.E.
Tel (+971) 4 2280000 هاتف
Fax (+971) 4 2211646 فاكس
www.dubaichamber.ae

Annex 9.2.k: Bill of lading raised by Clarion & Shewall for the dhow *Azmat*



CLARION & SHEWALL SHIPPING SERVICES S.A.R.L

MANIFESTE DE SAILING

M/V. L Azmat
CAPTAIN: M.Suleman
PAVILLON: Oman
PORT OF LOADING: Djibouti
PORT OF DISCHARGE: Oman
TONNAGE: ---650-----M.T

DATE OF SAILING -66-/-12/-2013

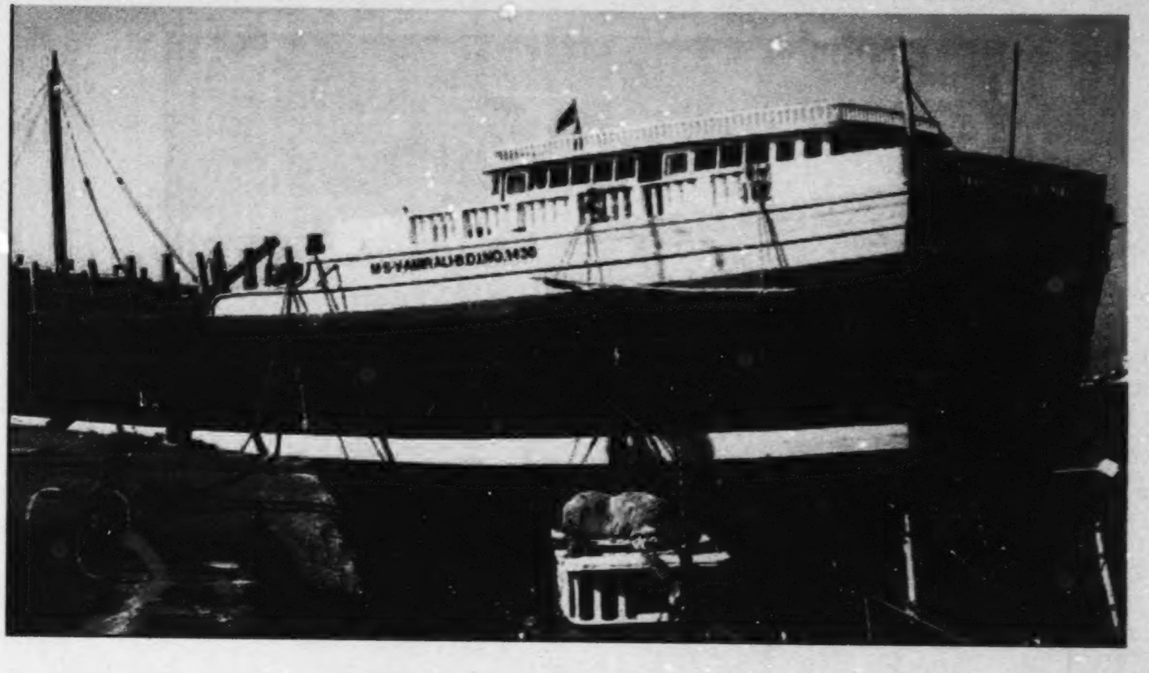
B/L NO.	1. Shipper 2.Consignee 3. Notify Party	Marks, Nrs	No and Kind of packages Description of goods	Weight in Kgs	Volume in CBM
	1. CLARION & SHEWALL 2 Abu Mansour United Co Oman Mascot		30,000 CHARCOAL Bags of Charcoal	25 Kg	780,000
					T

SIGNATURE ET CACHET DE L'AGENT

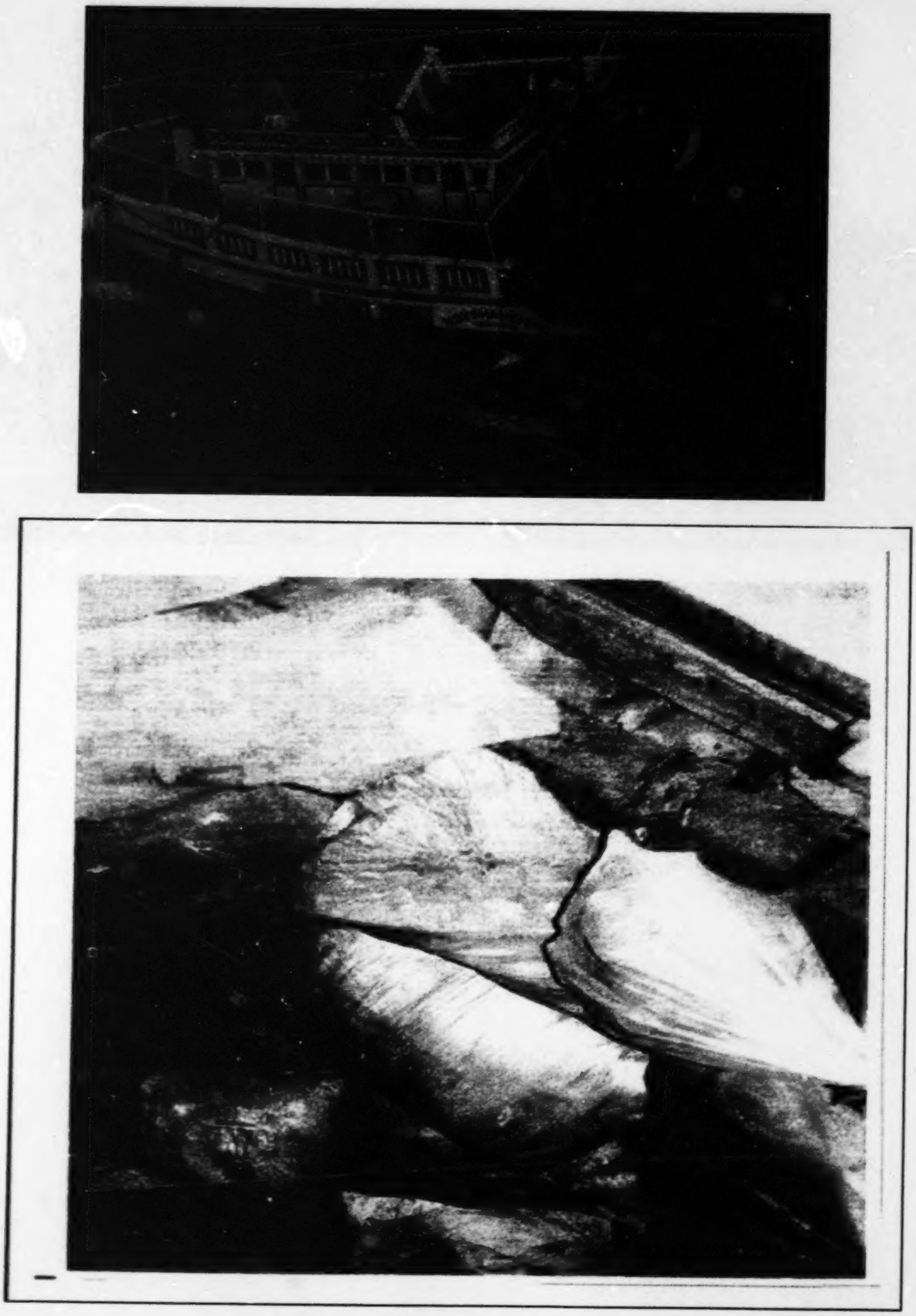
Clarion & Shewall Shipping S.A.R.L.
Avenue St. Laurent du Var
TEL: 21.35.07.68 FAX: 21.35.07.71
B.P. 233 DJIBOUTI

Avenue St , Laurent Du Var B.P : 233 Djibouti République de Djibouti Tel : 253 350768 – Fax : 253 350771 E – mail : [illegible]
www.clarionshipping.com

Annex 9.2.1: Photograph of the dhow *Amir Ali*

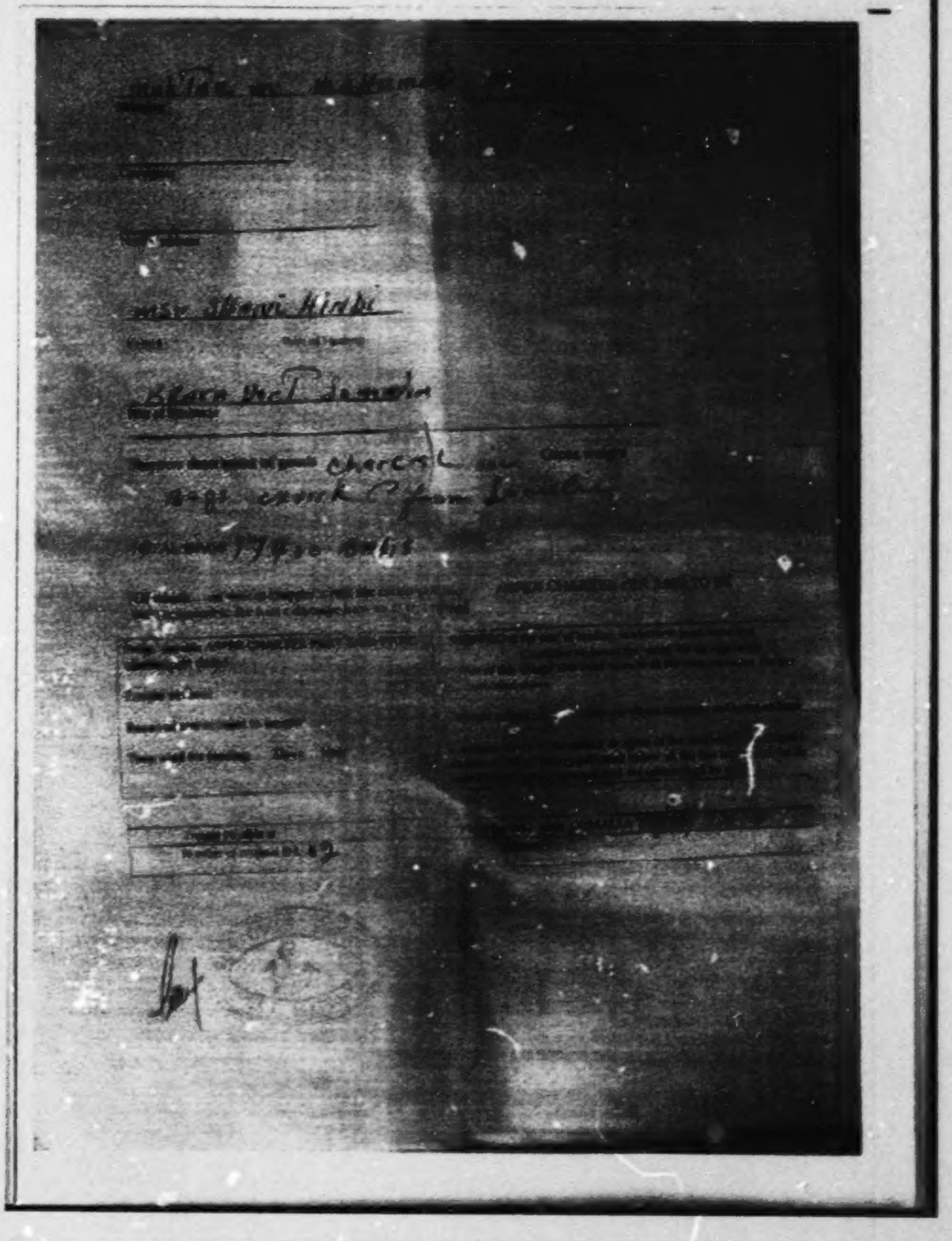

M.S.V AMIR ALI H.B.D.I NO.1430

Annex 9.2.m: The dhow *Shane Hind* and photograph of charcoal loaded aboard the vessel

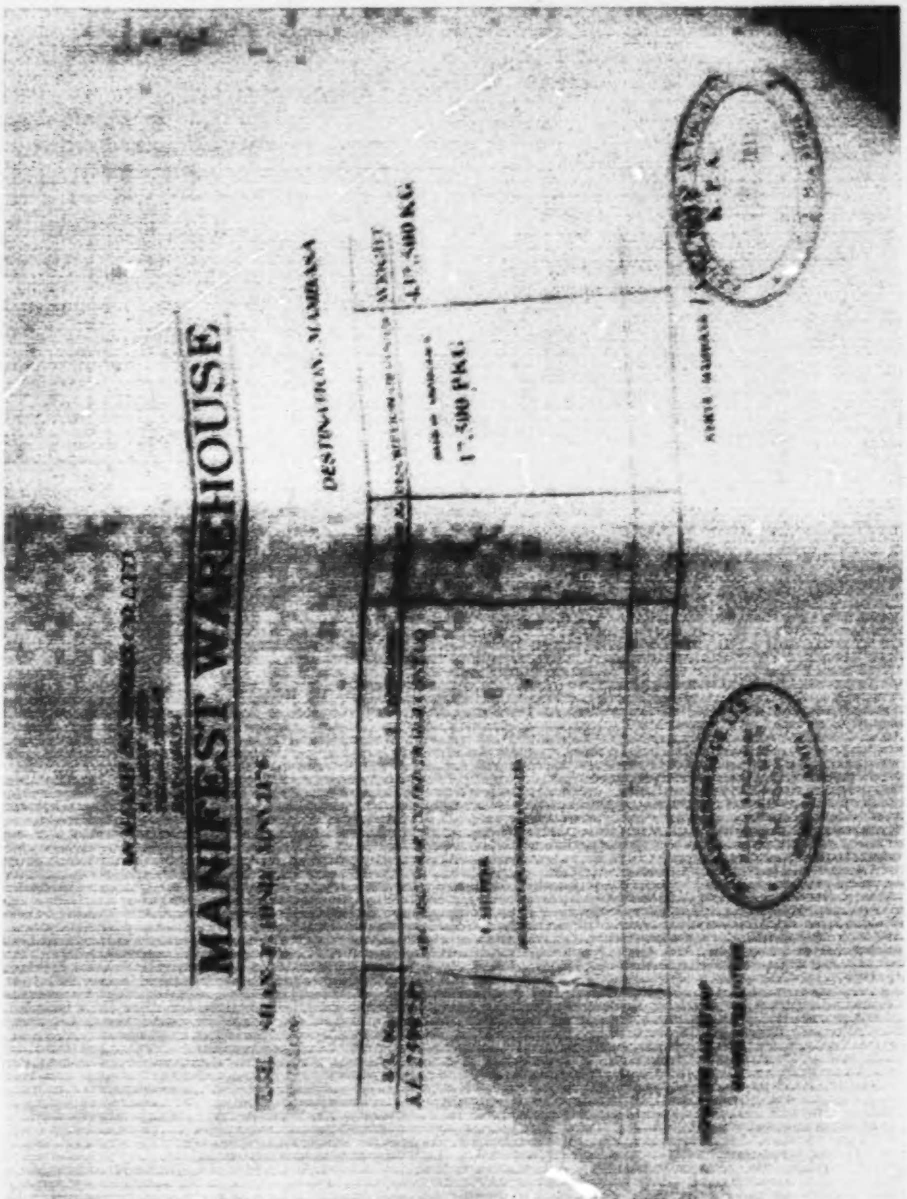


Annex 9.2.n: Bills of lading for the *Shane Hind*

1. *Bill of lading showing loading of charcoal in Barawe (Brava)*



2. *False cargo manifest stating cargo delivered from Kenya ("Mambasa")*



MANIFEST WAREHOUSE

DESTINATION: MAMBASA

WEIGHT

417,500 KG

17,500 PKG

K.P.A.

Annex 9.2.o: Photograph and manifest of the *Al Nazir*

[redacted]

[redacted]

Annex 9.2.p: Charcoal offloading operations in Port Rashid

1. Al Rehan, *March 2014, Port Rashid*

2. Shere Nausad, *March 2014, Port Rashid*

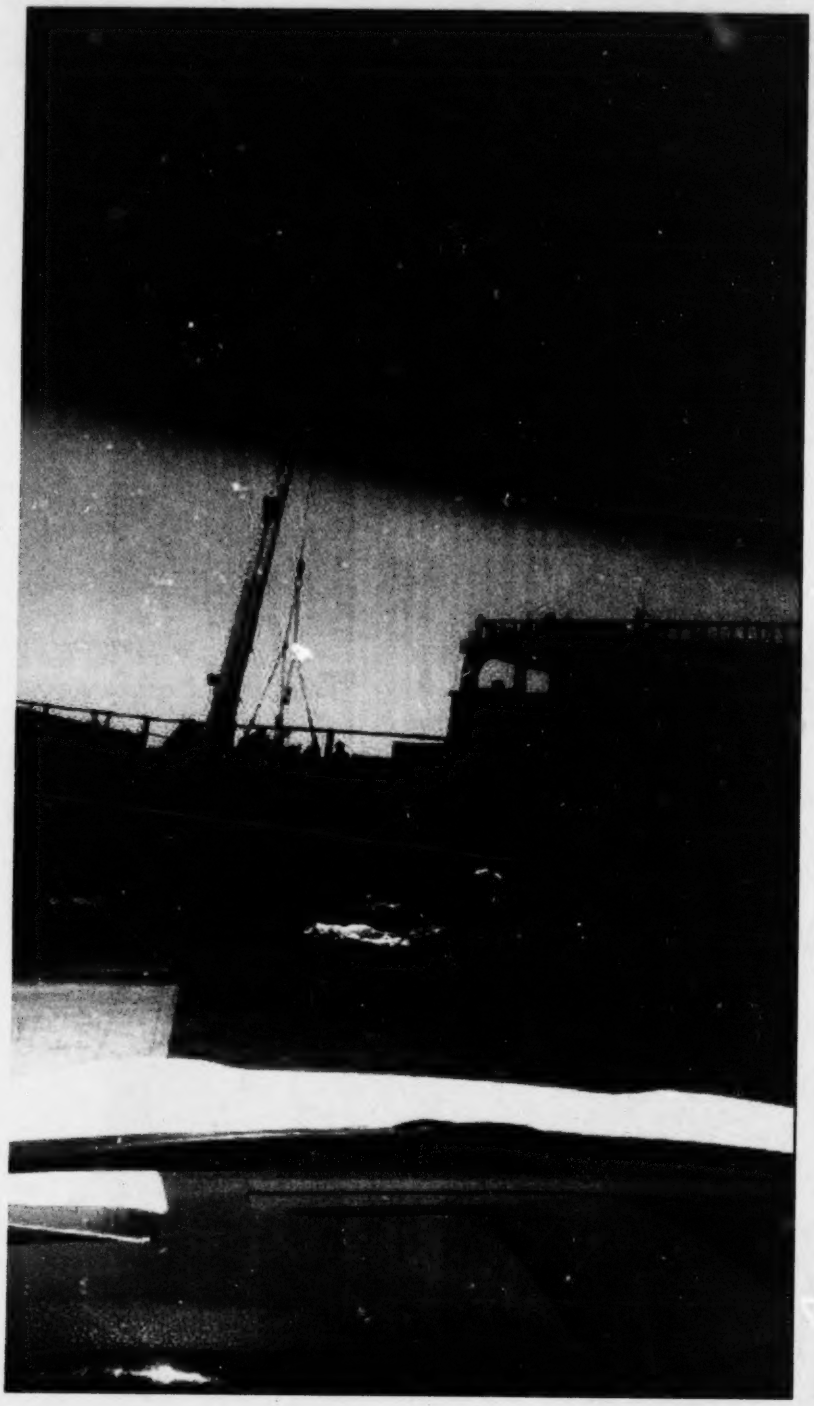
3. Hari Prasad, *May 2014, Port Rashid*

4. Al Mukhtar, *May 2014, Port Rashid*

5. Haridwar, *June 2014, Port Rashid*

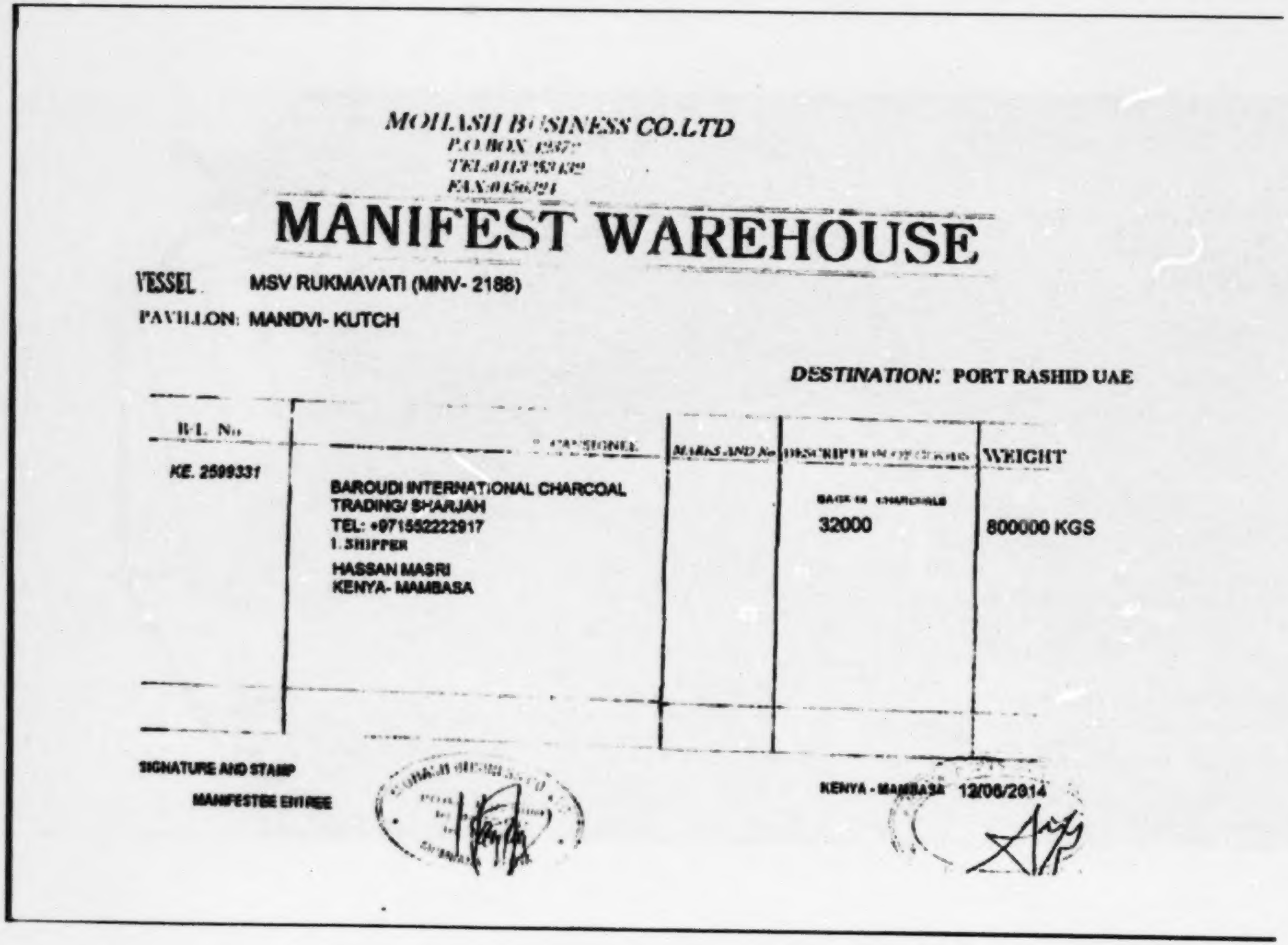
6. Al Kadri, *June 2014, Port Rashid*

7. Rukmavati, *June 2014, Port Rashid*



8. *Al Qaed International Trading LLC truck, June 2014, Port Rashid*

Annex 9.2.q: Manifest of the dhow *Rukmavati*



MOHASH BUSINESS CO.LTD
P.O BOX [illegible]
TEL:[illegible]
FAX:[illegible]

MANIFEST WAREHOUSE

VESSEL MSV RUKMAVATI (MNV- 2188)

PAVILLON: MANDVI- KUTCH

DESTINATION: PORT RASHID UAE

B/L No	CONSIGNEE	MARKS AND No	DESCRIPTION OF GOODS	WEIGHT
KE. 2599331	BAROUDI INTERNATIONAL CHARCOAL TRADING/ SHARJAH TEL: +971552222917 1. SHIPPER HASSAN MASRI KENYA- MAMBASA		BAGS OF CHARCOALS 32000	800000 KGS

SIGNATURE AND STAMP
MANIFESTEE ENTREE

KENYA - MAMBASA 12/06/2014

Annex 9.3: Charcoal warehousing in the United Arab Emirates

95. The Monitoring Group visited a cluster of warehouses near the cement factory in Sharjah, United Arab Emirates (UAE), on 17 January 2014 and on 30 May 2014 (see annex 9.3.a for a map of the approximate location of the cement factory). According to transporters and middlemen involved in the charcoal trade, these warehouses all regularly receive Somali charcoal in violation of resolution 2036 (2012).[67] They are located in close vicinity to each other near the cement factory in a well-known industrial area of Sharjah, and operate freely as registered companies in Sharjah. Sources in the charcoal trade have informed the Monitoring Group that these are the main warehouses from where charcoal imports are distributed to two Gulf Cooperation Council (GCC) countries, notably Saudi Arabia.[68]

96. During its visit to the industrial area in Sharjah on 17 January 2014, the Monitoring Group observed a number of warehouses packed full of charcoal. Among these warehouses were those of Al Baroudi Int. Coal Trading LLC, Al Bahi Coals, Wadi Al Hijaz Coal Trading LLC, and Aflah. As indicated in annex 9.2 these companies are owned by Hassan Mohamed Ahmed "Masry", Yousef Moussa Sahu "Siri", Farah Hassan Hussein and Mehdi Da'ud, all of whom purchased charcoal exported from Somalia in violation of resolution 2036 (2012). Photographs of these warehouses appear in annex 9.3.b.

97. During the Group's visit on 17 January 2014, at least two trucks with Omani license plates carrying charcoal were observed entering the compound of Al Bahi Coals (see annex 9.3.c). At the time, as described in annex 9.2, the Monitoring Group had documented ongoing deliveries of charcoal to Muscat and received information about further transport of the charcoal by road from Oman to Sharjah. The Monitoring Group also observed Omani and UAE trucks carrying charcoal and parked on the highway (see annex 9.3.d). The drivers confirmed to the Monitoring Group that they were headed to Saudi Arabia.

98. In addition, the Monitoring Group observed charcoal stacked in several other warehouses in the same vicinity, notably belonging to GWE General Trading LLC, Al Faham Al Mumayaz Coals Trading LLC and Al Safa Coal Trading. (See annex 9.3.e for photographs of these warehouses.) Middlemen and brokers in the charcoal trade have confirmed to the Monitoring Group that these warehouses also store imported Somali charcoal in violation of resolution 2036 (2012) but in lesser volumes to the four main warehouses featured in annex 9.3.b.[69]

99. Furthermore, the Monitoring Group is aware of at least one other charcoal wholesaler in Sharjah, a company named Najmat Al Mankhool Trading LLC (see annex 9.3.f for a depiction of the company's logo), which deals in charcoal from Somalia. An eyewitness in contact with the Monitoring Group visited this business

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[67] Interviews with former charcoal trader on 16 October 2013, with charcoal warehouse owner on 17 January 2014, with two former employees of charcoal warehousing operations on 30 May 2014, and with two charcoal transporters on 16 October 2013.

[68] Interviews with former charcoal trader on 16 October 2013, with charcoal warehouse owner on 17 January 2014, and with two former employees of charcoal warehousing operations on 30 May 2014.

[69] Interview with two charcoal brokers who accompanied the Monitoring Group to the industrial area on 17 January 2014 and 30 May 2014. All warehouses were also identified by two former charcoal dealers, Dubai, UAE, 13 October 2013.

in an industrial area of Sharjah on 20 November 2013 and was informed by a company representative that the charcoal stock in its storerooms was from Somalia. The company representative subsequently claimed that the charcoal was imported mainly from Djibouti.[70]

100. When the Monitoring Group visited the warehouses in the Sharjah industrial area for the second time on 30 May 2014, it observed all the warehouses still full with charcoal stocks (photographs charcoal at the warehouses appear in annex 9.3.g for photographs). The Monitoring Group was also made aware of another warehousing operation in Ajman, UAE, where it also visited and found large volumes of charcoal in a warehouse belonging to the company Qasr Al Sahra Coal and Firewood Packaging LLC. Brokers and middlemen trading in charcoal in the UAE confirmed that this company is one of the major recipients of Somali charcoal (see annex 9.3.h for photographs).[71]

101. On 20 January 2014, the Monitoring Group wrote to the Permanent Mission of the UAE to the United Nations requesting its assistance in obtaining paperwork related to all the charcoal purchases made by these companies since January 2013. The purpose of this request was to enable the Monitoring Group to review customs documentation related to these purchases, and identify consignees of charcoal shipments on vessels known to have originated from Kismayo and Barawe. Such documentation would have also likely revealed the scale of false certificates of origin that are being issued to disguise Somali charcoal as Djiboutian or Kenyan (a fuller assessment of falsified paperwork appears in annex 9.4). The Monitoring Group received no response to its 20 January 2014 request, but was asked to summarize the requests again in an email sent to the UAE Permanent Mission to the United Nations on 27 March 2014. The Permanent Mission provided no answers to the email of the Monitoring Group.

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[70] Information provided by eyewitness on 21 November 2013.

[71] Interview with two charcoal brokers who accompanied the Monitoring Group to Ajman on 30 May 2014. Also, interviews with Somali charcoal trader, Dubai, UAE, 1 June 2014, and with another broker for Somali charcoal, email correspondence on 6 June 2014.

Annex 9.3.a: Map of approximate location of Sharjah Cement Factory Colony in relation to Dubai, UAE

Annex 9.3.b: Charcoal warehouses in Sharjah visited on 17 January 2014 (Al Baroudi Int Coal Trading LLC, Al Bahi Coals, Wadi Al Hijaz Coal Trading LLC, Aflah)

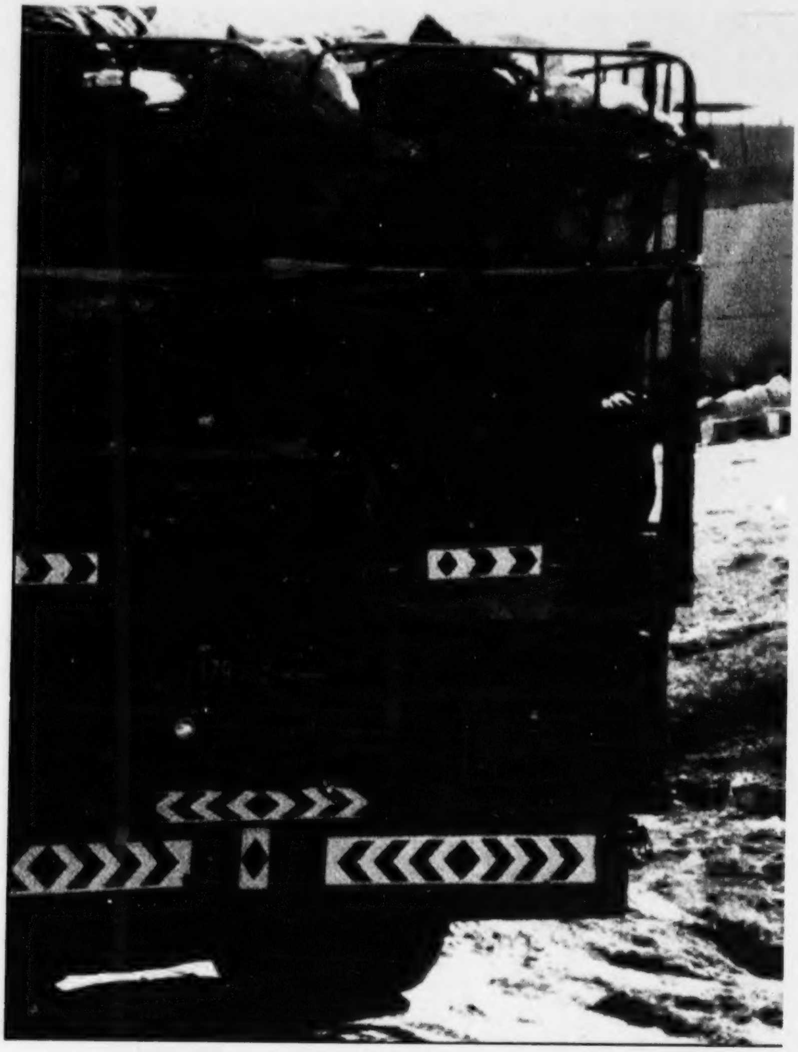
Al Baroudi Int Coal Trading, warehouse 1

Al Baroudi Int Coal Trading, warehouse 2

Al Baroudi Int Coal Trading, warehouse 3

Charcoal stored at Al Baroudi Int Coal Trading warehouse

Omani plated truck carrying charcoal entering Al Bahi Coals warehouse[72]



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[72] It was not possible to obtain a photograph of the warehouse itself on this occasion. A photograph of the Al Bahi Coals warehouse appears in annex 9.3.g.

Charcoal stored at Wadi Al Hijaz Coal Trading LLC

Aflah warehouse

AFLAH
55- 3882088

Annex 9.3.c: Omani plated charcoal trucks entering the warehouse of Al Bahi Coals

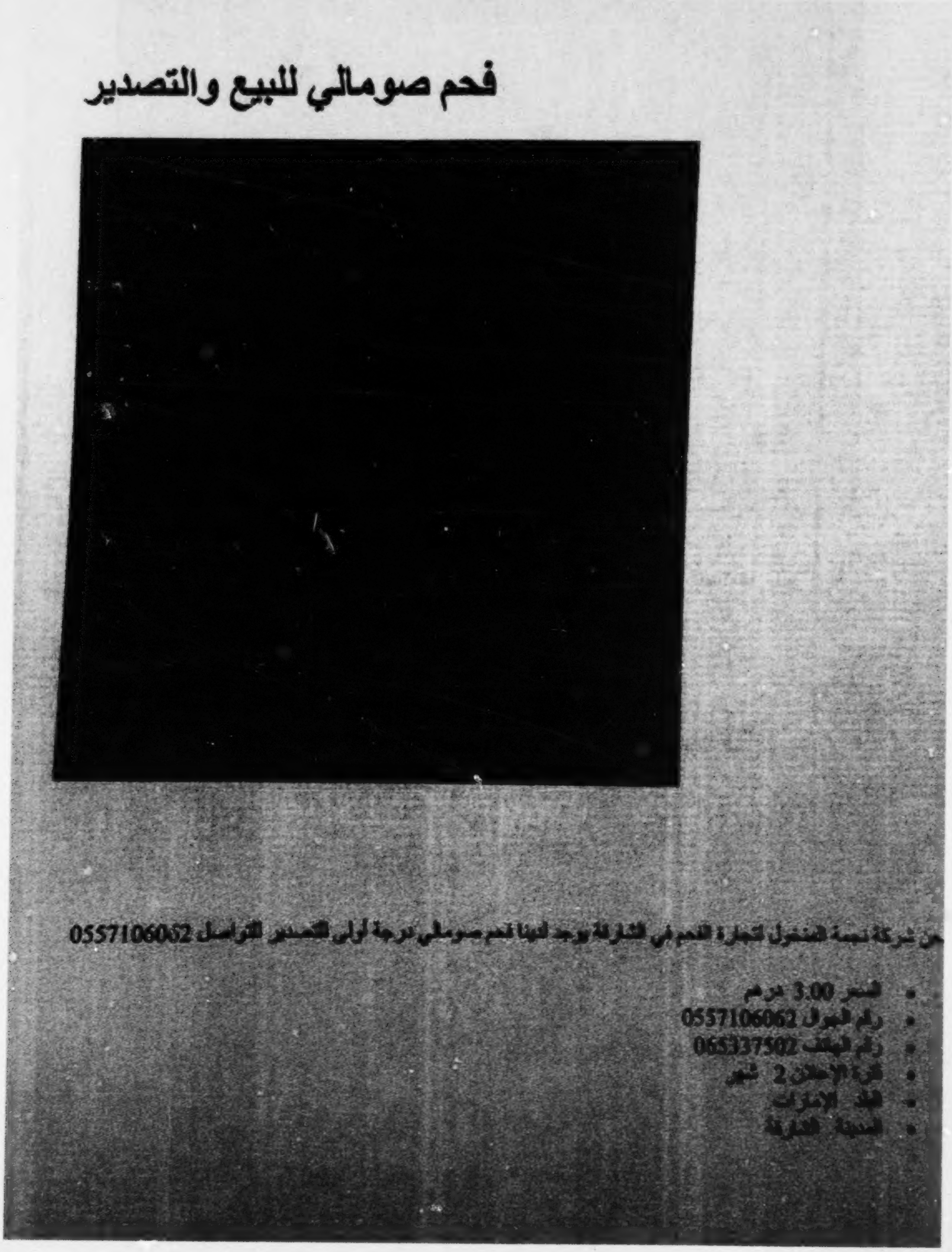
Annex 9.3.d: Omani and UAE trucks carrying charcoal on the highway to Saudi Arabia

Annex 9.3.e: Charcoal warehouses in Sharjah, UAE, visited on 17 January 2014 (GWE General Trading LLC, Al Faham Al Mumayaz Coals Trading LLC, and Al Safa Coal Trading)

الفحم المميز لتجارة الفحم ذ م م
AL FAHAM AL MUMAYAZ
COALS TR. L.L.C.

الصفاء لتجارة الفحم
AL SAFA COAL
R
056 1419132 P.OBOX 9
32

Annex 9.3.f: Najmat Al Mankhool Trading LLC company logo



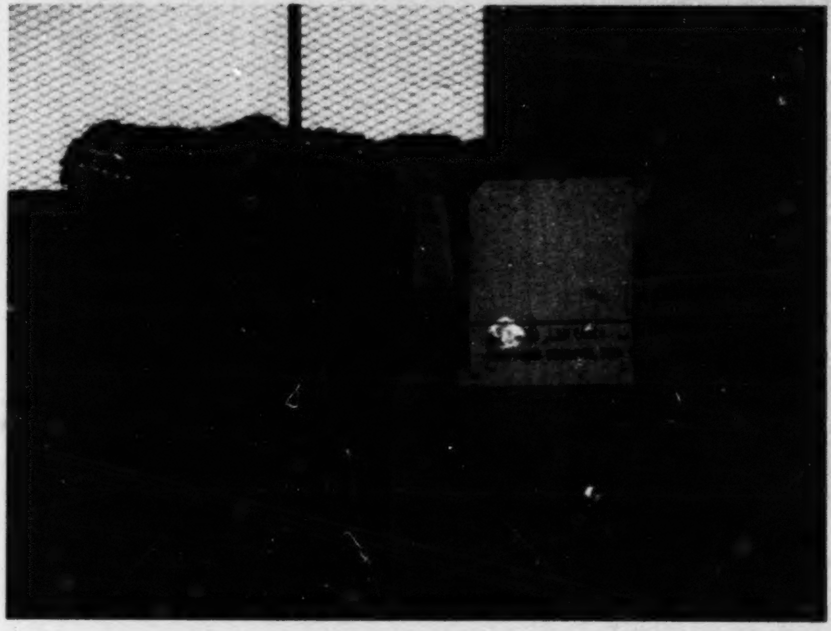
فحم صومالي للبيع والتصدير

حن شركة نجمة المنخول لتجارة الفحم في الشارقة يوجد لدينا فحم صومالي درجة أولى للتصدير التواصل 0557106062

- السعر 3.00 درهم
- رقم الجوال 0557106062
- رقم الهاتف 065337502
- فترة الإعلان 2 شهر
- البلد الإمارات
- المدينة الشارقة

Annex 9.3.g: Charcoal warehouses in Sharjah, UAE, visited on 30 May 2014 (Al Baroudi Int. Coal Trading LLC, Al Bahi Coals, Wadi Al Hijaz Coal Trading LLC)

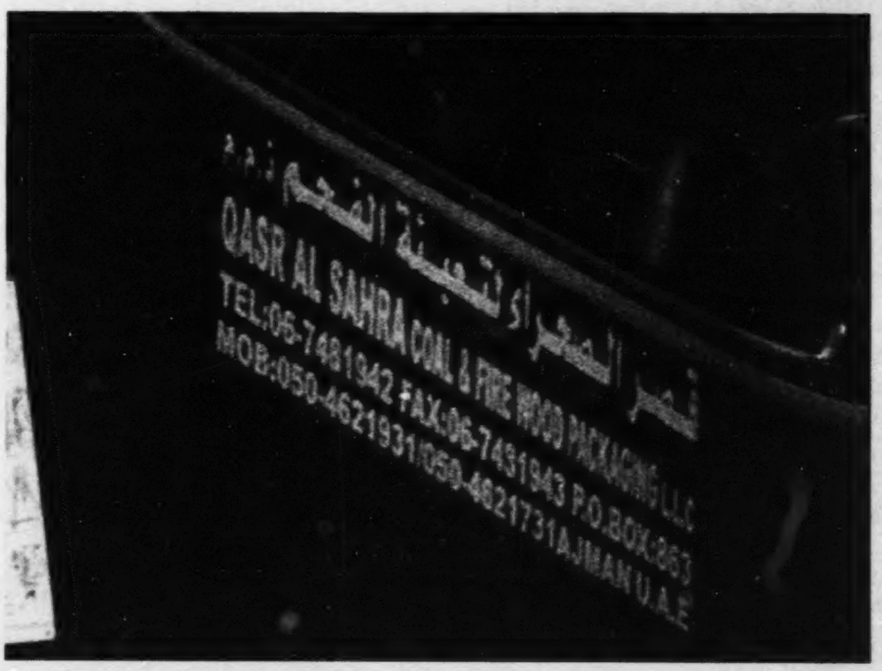
Warehouse of Al Baroudi Int Coal Trading LLC



Warehouse of Al Bahi Coals

Warehouse of Wadi Al Hijaz Coal Trading LLC

Annex 9.3.h: Warehouse of Qasr Al Sahra Coal and Firewood Packaging LLC, Ajman, UAE, 30 May 2014


قصر الصحراء لتعبئة الفحم ذ.م.م
QASR AL SAHRA COAL & FIRE WOOD PACKAGING L.L.C
TEL:06-7481942 FAX:06-7431943 P.O.BOX:863
MOB:050-4621931/050-4621731AJMAN U.A.E

Annex 9.4: Systematic use of falsified shipping manifests and certificates of origin

102. The Monitoring Group previously reported (S/2013/413, annex 9.2) on the use of false bills of lading to misrepresent to customs authorities Somali charcoal imports as being sourced from third countries.

103. The Monitoring Group has obtained documentation that matches testimonial evidence provided separately by individuals within the charcoal trading industry, which demonstrates that the practice of issuing false documentation is organized by a small number of companies operating in the United Arab Emirates (UAE), Kenya and Djibouti. In particular, it appears that two Kenyan companies and at least two Djiboutian companies are systematically involved in the issuing of false bills of lading. The consignees on these bills of lading are invariably companies based in the UAE or other GCC countries.

104. The practice of using false documentation has been ongoing for at least two years, an attempt by charcoal traders to disguise Somali charcoal exports in order to circumvent Security Council resolution 2036 (2012). The Monitoring Group has obtained samples of such falsified documentation from 2012 onwards, which confirms the involvement of key individuals.

False Djiboutian paperwork

105. In November 2012, the Monitoring Group received shipping data from the port of Kismayo identifying the Indian-flagged dhow *Bhumika* as loading charcoal at Kismayo port.[73] Documentation for the *Bhumika* obtained during the course of the Monitoring Group's current mandate shows that a bill of lading was presented in the UAE in November 2012 purporting the cargo of 26,049 bags of charcoal to have been loaded by the Djiboutian shipping agent MAG Shipping Services SARL on behalf of a Djiboutian-based shipper, Red Sea Transit and Transport Service. The commercial invoice for this shipment was notarized with the stamp of Mrs. Ismahan Ali Farah, the head of legal affairs and administrative matters at the Prefecture of Djibouti, and was stamped and signed by Zam-Zam Dileita, the then second consul at the Djiboutian embassy in Abu Dhabi. The invoice was also franked with a receipt from the UAE Ministry of Foreign Affairs, and the port of discharge was noted as Sharjah, UAE (see annex 9.4.a for shipping documents). The consignee of the charcoal cargo was noted as High River General Trading, which is also registered as High River Shipping and Cargo LLC, a Dubai-based company run by Abdi Mahmoud Mohamed (a.k.a. "Abdi Yare"), who is known to generate the paperwork in his company's name on behalf of hidden consignees (see annex 9.4.b for company shareholders).[74] As noted in annex 9.5 the *Bhumika* has continued to ship charcoal in 2014.

106. Another case concerns the Indian-flagged dhow *Nigahe Mukadame*, which was registered in Kismayo as loading charcoal on 12 November 2012.[75] Documentation for the *Nigahe Mukadame* obtained during the course of the Monitoring Group's

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[73] Shipping data compiled by confidential source working at Kismayo port.

[74] Information provided by a Somali broker, 8 August 2013, by a Somali charcoal dealer 13 October 2013, and by a Somali businessman also involved in falsifying bills of lading, 16 October 2013, all located in the UAE.

[75] Shipping data compiled by confidential source working at Kismayo port.

current mandate shows that a bill of lading was presented in the UAE purporting the cargo of 28,500 bags of charcoal to have been loaded by the Djiboutian shipping agent AGMA Dhow Maritime Agent on behalf of the shipper Red Sea Transit and Transport Service. The date of sailing from Djibouti was noted also as 12 November 2012 and the consignee of the charcoal cargo was noted as Al Bahi Coals Trading LLC in Sharjah (one of the main wholesalers mentioned in annexes 9.2 and 9.3). The commercial invoice was again notarized by the Prefecture of Djibouti and by Zam-Zam Dileita. See annex 9.4.c for documentation on the *Nigahe Mukadame*.

107. In December 2012, the Monitoring Group received shipping data from the port of Kismayo identifying the Indian-flagged dhow *Satya Narayan* as loading charcoal at Kismayo port.[76] Documentation for the *Satya Narayan* obtained during the course of the Monitoring Group's current mandate shows that a bill of lading was presented in the UAE purporting the cargo of 47,663 bags of charcoal to have been loaded by the Djiboutian shipping agent Clarion & Shewall Shipping Services SARL on behalf of the shipper Red Sea Transit and Transport Service. According to the bill of lading, the consignee of the charcoal cargo was noted as Kismayo General Trading LLC, a company run by Basheer Khalif Moosa, who has been previously named by the Monitoring Group (S/2013/413, annex 9.2) as one of the key individuals involved in organizing false paperwork in Djibouti and generating bills of lading in his company's name on behalf of hidden consignees. The commercial invoice, however, states the consignee to be Al Bahi Coals Trading LLC. The commercial invoice for this shipment was stamped and signed once again by Mrs. Ismahan Ali Farah and Zam-Zam Dileita. The invoice was also franked with a receipt from the UAE Ministry of Foreign Affairs, and the port of discharge was noted as Sharjah, UAE. Port authorities in Djibouti issued a false port clearance document for the *Satya Narayan* (see annex 9.4.d for documentation).

108. In its last report (S/2013/413, annex 9.2.h), the Monitoring Group documented the case of the *Al Yusuf* dhow, which had loaded 47,663 bags of charcoal in Kismayo in December 2012, but presented in the UAE a bill of lading prepared by Clarion & Shewall Shipping Services SARL on behalf of the shipper Red Sea Transit and Transport Service purporting the cargo to have been exported from Djibouti. The Monitoring Group has since obtained the stamps of the commercial invoice, which was again notarized by Mrs. Ismahan Ali Farah and Zam-Zam Dileita. Kismayo General Trading was noted as the consignee for the cargo (see annex 9.4.e).

109. The Monitoring Group has received shipping data from the port of Kismayo identifying the Indian-flagged dhow *Jaya Jamna* as loading charcoal at Kismayo port on 20 April 2013. Documentation for the *Jaya Jamna* obtained during the course of the Monitoring Group's current mandate shows that a bill of lading was generated purporting the cargo of 30,000 bags of charcoal to have been loaded by the Djiboutian shipping agent AGMA Dhow Maritime Agent on behalf of the shipper Red Sea Transit and Transport Service. The date of sailing from Djibouti was noted as 20 April 2013, the same day the vessel was loading charcoal in Kismayo. The commercial invoice for this shipment was notarized by Mrs. Ismahan Ali Farah and Zam-Zam Dileita. The invoice was also franked with a receipt from the UAE Ministry of Foreign Affairs. The final consignee was noted as Saudi Arabian, although the port of discharge was noted as either in the UAE or in the

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[76] Shipping data compiled by confidential source working at Kismayo port.

Kingdom of Saudi Arabia. A certificate of origin is notarized by the Djibouti Chamber of Commerce (see annex 9.4.f for documentation).

110. As noted in annex 9.2, the Monitoring Group confirmed a number of vessels to have delivered charcoal from Somalia to ports in Oman in late 2013 and early 2014. Among these, at least three vessels, the *Uweesh Karani*, *Haridham* and *El Castaro* (see annex 9.2 for evidence showing these three vessels originated from Somalia) also presented Djiboutian certificates of origin for their charcoal. These documents once again noted the shipper to be Red Sea Transit and Transport Service (see annex 9.4.g), indicating that the trend of falsification identified from 2012 has continued into 2014.

111. The cases above illustrate a clear pattern, whereby Red Sea Transit and Transport Service appears to be systematically involved in raising false bills of lading with the assistance of shipping agents in Djibouti. While the shipping agents acting on behalf of this company may vary, it appears the one most regularly used is Clarion & Shewall Shipping SARL, which is already cited in annex 9.2 for having raised the bill of lading for the *Azmat*, a vessel which is known to have sailed from Somalia in late December 2013 (see annex 9.4.h for documentation on the *Azmat* and annex 9.4.i for a photograph of Clarion & Shewall). Indeed, the Monitoring Group has obtained a bill of lading that even noted Clarion & Shewall as the shipper for 25,000 bags of charcoal aboard the Indian-flagged dhow *Al Asma*, which loaded charcoal in Kismayo in March 2014[77] but which purported the charcoal cargo as exported from Djibouti (see annex 9.4.j). The destination of the cargo was noted as Kuwait (see annex 9.2 on charcoal deliveries to the UAE, Oman and Kuwait).

112. During a visit to Djibouti in February 2014, the Monitoring Group telephoned both Red Sea Transit and Transport Services and Clarion & Shewall Shipping SARL. A representative of Red Sea Transit and Transport Services said that it would not discuss the issue of false documentation unless the Monitoring Group first obtained authorization from the Djiboutian Foreign Ministry.[78] A representative from Clarion & Shewall first acknowledged he worked for the company, but as the conversation unfolded he informed the Monitoring Group that it had dialled a wrong number, and then hung up.[79]

113. As the Monitoring Group previously noted (S/2013/413, annex 9.2), Basheer Khalif Moosa, the director of Kismayo General Trading LLC, is the main individual involved in the falsification of Djiboutian paperwork, and has frequently travelled to Djibouti to organize this. He occupies a shared office in Dubai, UAE, with Dahir Sheikh Omar Mohammed, who is described in annex 9.2 as linked to the shipment of charcoal on board the *El Castaro*. In addition to the one case above, the Monitoring Group has obtained other commercial invoices naming Kismayo General Trading LLC and raised by Red Sea Transit and Transport Services (see annex 9.4.k for sample documentation).

114. The Monitoring Group understands that while Kismayo General Trading LLC is not directly involved in the purchase and sale of charcoal, this company has provided an essential service for charcoal smugglers by obtaining false

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[77] Information provided by a Somali broker on 31 March 2014 and corroborated by two independent shipping industry sources in Dubai, UAE, on 1 April 2014.

[78] Telephone conversation with Red Sea Transit and Transport Service, 7 February 2014.

[79] Telephone conversation with Red Sea Transit and Transport Service, 6 February 2014.

documentation and then allowing the company name to be referred to as the consignee, when in fact actual consignees may be different. This is similarly the case with High River Shipping and Cargo LLC.

False Kenyan paperwork

115. The Monitoring Group has received documentation demonstrating that false bills of lading have been notarized using Kenyan Government stamps purporting Somali charcoal to have originated in Kenya.

116. As an example, the Monitoring Group received shipping data from the port of Kismayo identifying the Indian-flagged dhow *Al Rafiqui* as loading charcoal at Kismayo port in December 2012.[80] Documentation for the *Al Rafiqui* obtained during the course of the Monitoring Group's current mandate, however, shows that a bill of lading was presented in the UAE purporting the cargo of 25,000 bags of charcoal to have been exported from Mombasa, Kenya, on 21 December 2012. The bill of lading was raised by E.A.C.E Business Co Ltd, a shipping company based in "Mambasa", Kenya, and the certificate of origin was notarized with stamps from the Kenya National Chamber of Commerce and Industry, the Kenya Revenue Authority, the Kenya Consulate General in Dubai, the Ministry of Foreign Affairs in Nairobi and the Kenya Ports Authority. The consignee of the charcoal cargo was noted as Al Mankhool General Trading LLC, a Dubai-based company. The port of discharge was noted as Sharjah, UAE (see annex 9.4.l). Similar paperwork was previously obtained by the Monitoring Group and appeared in annex 9.2.e of S/2013/413.

117. The Monitoring Group has been informed by sources within the charcoal trading community in Dubai that Al Mankhool General Trading LLC regularly organizes false Kenyan paperwork for charcoal cargoes from Somalia and acts as a consignee for end buyers of charcoal in the UAE.[81] Two shareholders of the company informed the Group that they were aware that one of the company representatives, Abshir Mumin Ibrahim, rents out his company certificates so charcoal cargoes can be imported in its name (see annex 9.4.m for company shareholders).[82]

118. As documented in annex 9.2, charcoal cargo carried aboard the Indian-flagged dhow *Shane Hind* was notarized as originating from Kenya, when it actually originated from Barawe. The bill of lading was raised by the Mohash Business Co Ltd, which purported the vessel to have originated from "Mambasa", Kenya, and was notarized by a Kenya Port Authority stamp.

119. The Monitoring Group has obtained additional documentation related to a shipment of 18,400 bags of charcoal aboard the Indian-flagged dhow *Nehmatullah* in May 2014. According to shipping data received from the port of Kismayo, the vessel loaded charcoal at Kismayo port in late April 2014.[83] However, the documentation purports the charcoal cargo to have been loaded in "Mambasa", Kenya, from where the vessel is noted as having set sail in May 2014. Again, the

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[80] Shipping data compiled by confidential source working at Kismayo port.

[81] Interviews with a charcoal trader, Dubai, UAE, 16 October 2013; a Somali shipping broker, 8 August 2013 Dubai, UAE; and a shareholder of Al Mankhool General Trading, 16 October 2013 Dubai, UAE.

[82] Interviews with two shareholders of Al Mankhool General Trading LLC, Dubai, UAE, 20 October 2013.

[83] Shipping data compiled by confidential source working at Kismayo port.

bill of lading was raised by Mohash Business Co Ltd, though the consignee this time is noted as Al Khittal General Trading,[84] a company based in Dubai (see annex 9.4.n).

120. The Monitoring Group has also obtained documentation of charcoal manifests generated by Mohash Business Co Ltd for shipments that delivered charcoal to Port Rashid, UAE, in June 2014. The consignees were listed as High River Shipping and Cargo LLC, Baroudi International Charcoal Trading, and Bahaya General Trading LLC, who all have track records in organizing shipments or importing Somali charcoal in violation of resolution 2036 (2012) (see annex 9.4.o for documentation).

Levels of cooperation from customs authorities in the UAE, Oman, Kuwait, Kenya and Djibouti

121. The Monitoring Group wrote to the Permanent Mission of the UAE to the United Nations requesting information from its customs authorities on any charcoal shipments that would have been imported with documents referring to Red Sea Transit and Transport Services, Clarion & Shewall Shipping SARL, Al Mankhool General Trading, E.A.C.E Business Co Ltd and Mohash Business Co Ltd, but received no response. Similar requests addressed to Oman and Kuwait did not receive any response either.

122. The Monitoring Group has obtained copies of letters from Kenyan authorities regarding false charcoal documentation. A first letter, dated 5 June 2014, is from the Kenyan Ministry of Foreign Affairs and International Trade informing its Ambassador in Abu Dhabi of the use of forged stamps of the Ministry of Foreign Affairs, Kenya consulates and the Kenya Chamber of Commerce and Industry by "unscrupulous business persons to declare Kenya as the country of origin of exported charcoal from Somalia in order to obtain import permits to the Gulf States". The letter requests the Ambassador to inform the authorities of the UAE. A second letter, also dated 5 June 2014, is from the Embassy of the Republic of Kenya in the UAE informing the UAE Ministry of Foreign Affairs that "Kenya documents may have been forged in order to import charcoal into the UAE". It also states that the export of charcoal in large quantities is not permitted for export from Kenya (see annex 9.4.p for copies of the letters). On 5 August 2014, the Monitoring Group wrote to Kenyan authorities regarding falsified Kenyan paperwork but has not yet received a response.

123. The Monitoring Group wrote to the Permanent Mission of Djibouti to the United Nations on 4 August 2014 informing the authorities of the systematic use of Djiboutian paperwork to disguise Somali charcoal cargoes. On 19 August 2014, Djiboutian authorities requested additional time to respond. In this regard, the Monitoring Group would seek the commitment of Djiboutian authorities to cooperate with the ongoing investigations of the Monitoring Group.

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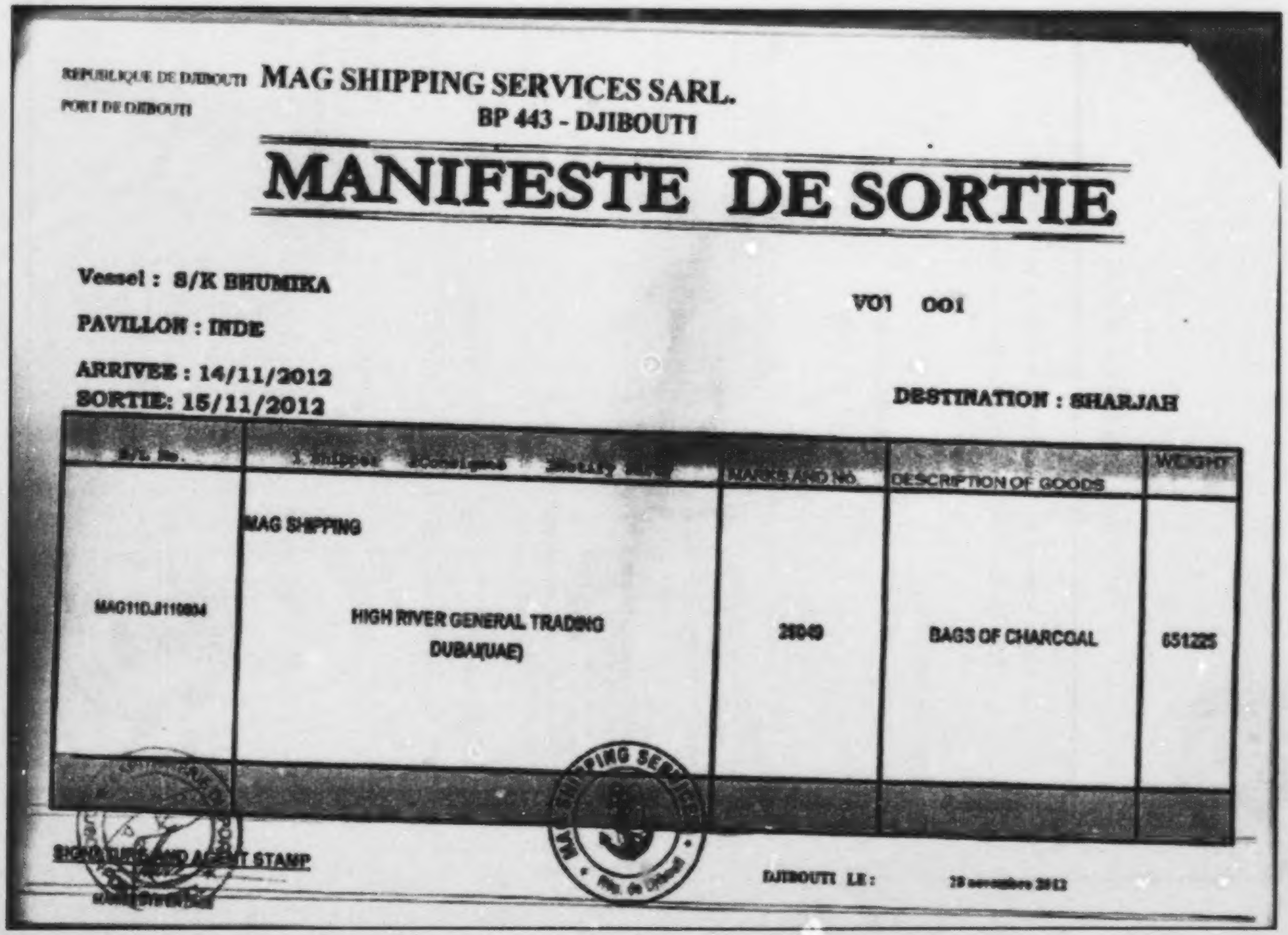
[84] Other documents refer to the company as "Al Khattal General Trading".

Annex 9.4.a: Shipping documentation related to the dhow *Bhumika*

1. *Bill of lading*



REPUBLIQUE DE DJIBOUTI
PORT DE DJIBOUTI

MAG SHIPPING SERVICES SARL.
BP 443 - DJIBOUTI

MANIFESTE DE SORTIE

Vessel : S/K BHUMIKA

VO1 001

PAVILLON : INDE

ARRIVEE : 14/11/2012
SORTIE: 15/11/2012

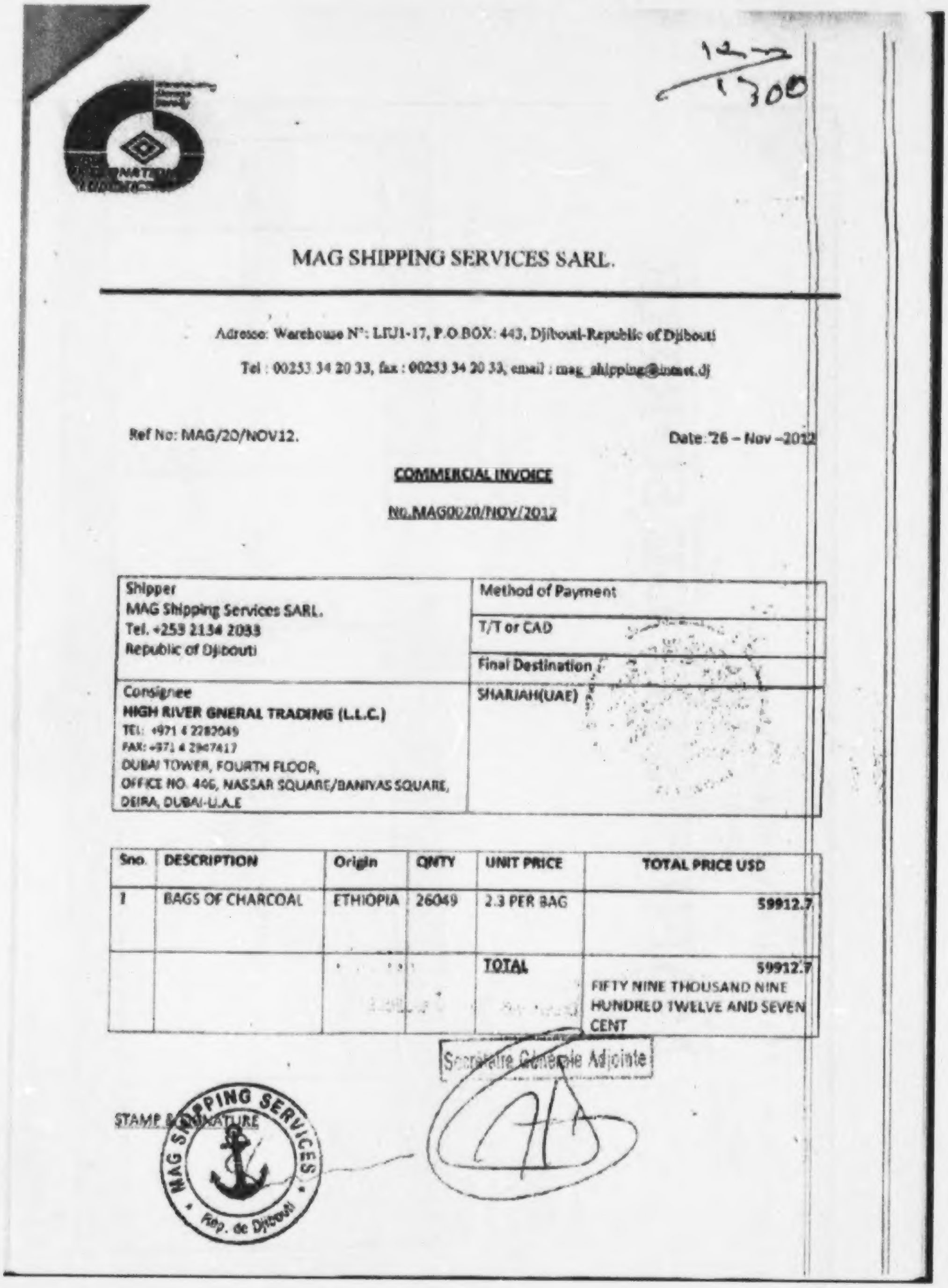
DESTINATION : SHARJAH

B/L No.	1.Shipper 2Consignee 3Notify Party	MARKS AND NO.	DESCRIPTION OF GOODS	WEIGHT
MAG11DJI110804	MAG SHIPPING HIGH RIVER GENERAL TRADING DUBAI(UAE)	28049	BAGS OF CHARCOAL	651225

SIGNATURE AND AGENT STAMP

DJIBOUTI LE : 28 novembre 2012

2. *Commercial invoice*



12

1300

MAG SHIPPING SERVICES SARL.

Adresse: Warehouse N°: LIJ1-17, P.O BOX: 443, Djibouti-Republic of Djibouti

Tel : 00253 34 20 33, fax : 00253 34 20 33, email : mag_shipping@intnet.dj

Ref No: MAG/20/NOV12.

Date: 26 – Nov –2012

COMMERCIAL INVOICE

No.MAG0020/NOV/2012

Shipper **MAG Shipping Services SARL.** **Tel. +253 2134 2033** **Republic of Djibouti**	**Method of Payment** **T/T or CAD** **Final Destination**
Consignee **HIGH RIVER GNERAL TRADING (L.L.C.)** TEL: +971 4 2282049 FAX: +971 4 2947417 DUBAI TOWER, FOURTH FLOOR, OFFICE NO. 446, NASSAR SQUARE/BANIYAS SQUARE, DEIRA, DUBAI-U.A.E	**SHARJAH(UAE)**

Sno.	DESCRIPTION	Origin	QNTY	UNIT PRICE	TOTAL PRICE USD
1	BAGS OF CHARCOAL	ETHIOPIA	26049	2.3 PER BAG	**59912.7**
				TOTAL	**59912.7** FIFTY NINE THOUSAND NINE HUNDRED TWELVE AND SEVEN CENT

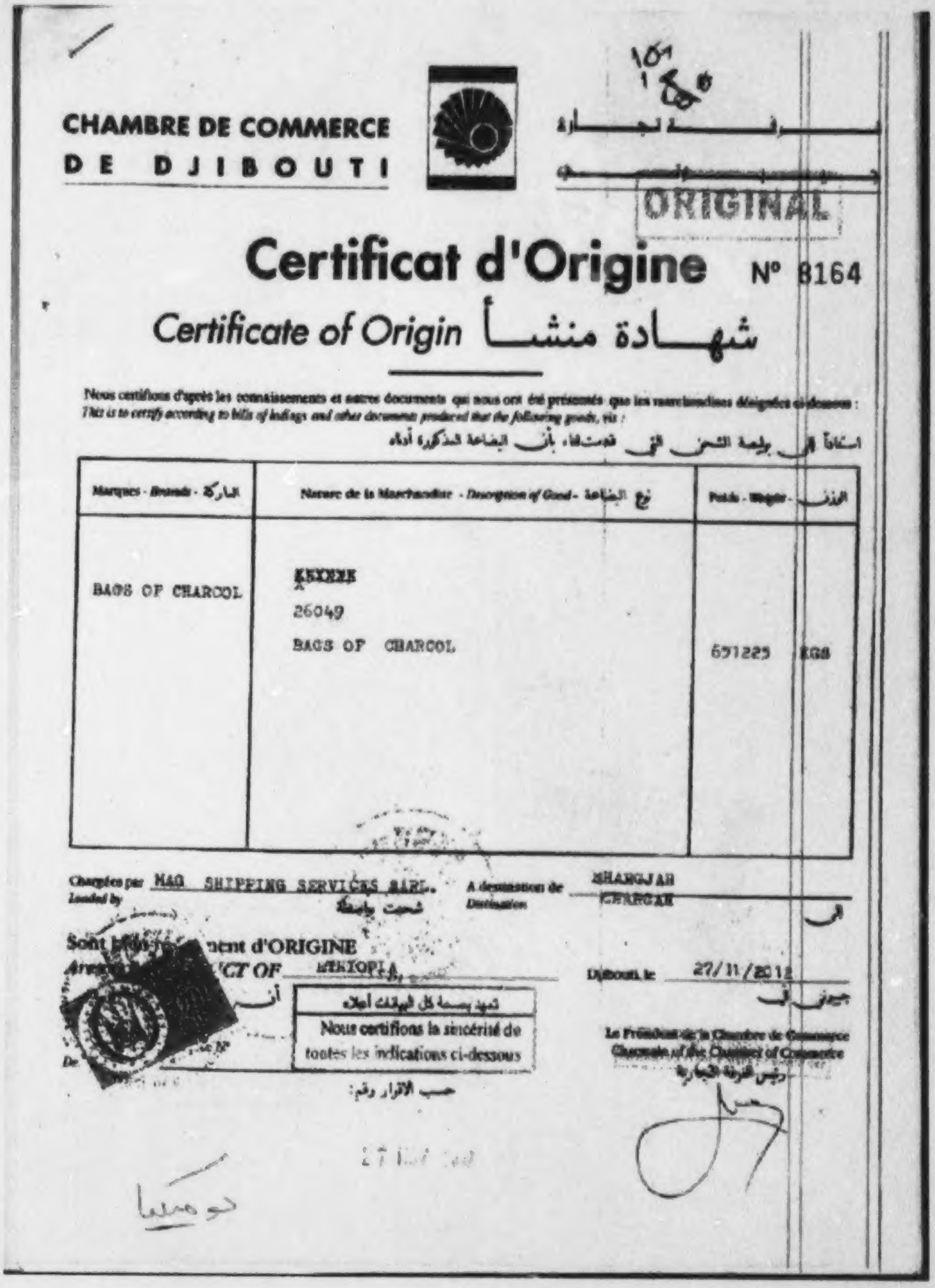
Secrétaire Générale Adjointe

STAMP & SIGNATURE

MAG SHIPPING SERVICES

Rep. de Djibouti

3. *Certificate of origin*



151

CHAMBRE DE COMMERCE
DE DJIBOUTI

غرفة التجارة
جيبوتي

ORIGINAL

Certificat d'Origine N° 8164

Certificate of Origin شهادة منشأ

Nous certifions d'après les connaissements et autres documents qui nous ont été présentés que les marchandises désignées ci-dessous :
This is to certify according to bills of ladings and other documents produced that the following goods, viz :
استناداً إلى بوليصة الشحن التي قدمت لنا، بأن البضاعة المذكورة أدناه

Marques - *Brands* - الماركة	Nature de la Marchandise - *Description of Good* - نوع البضاعة	Poids - *Weight* - الوزن
BAGS OF CHARCOL	~~KXXXXX~~ 26049 BAGS OF CHARCOL	651225 KGS

Chargées par *Loaded by* شحنت بواسطة MAG SHIPPING SERVICES SARL.

A destination de *Destination* إلى SHARGJAH CHARGAH

Sont [illegible] d'ORIGINE
Are [illegible] *CT OF* ETHIOPIA
أن

تشهد بصحة كل البيانات أعلاه
Nous certifions la sincérité de toutes les indications ci-dessous

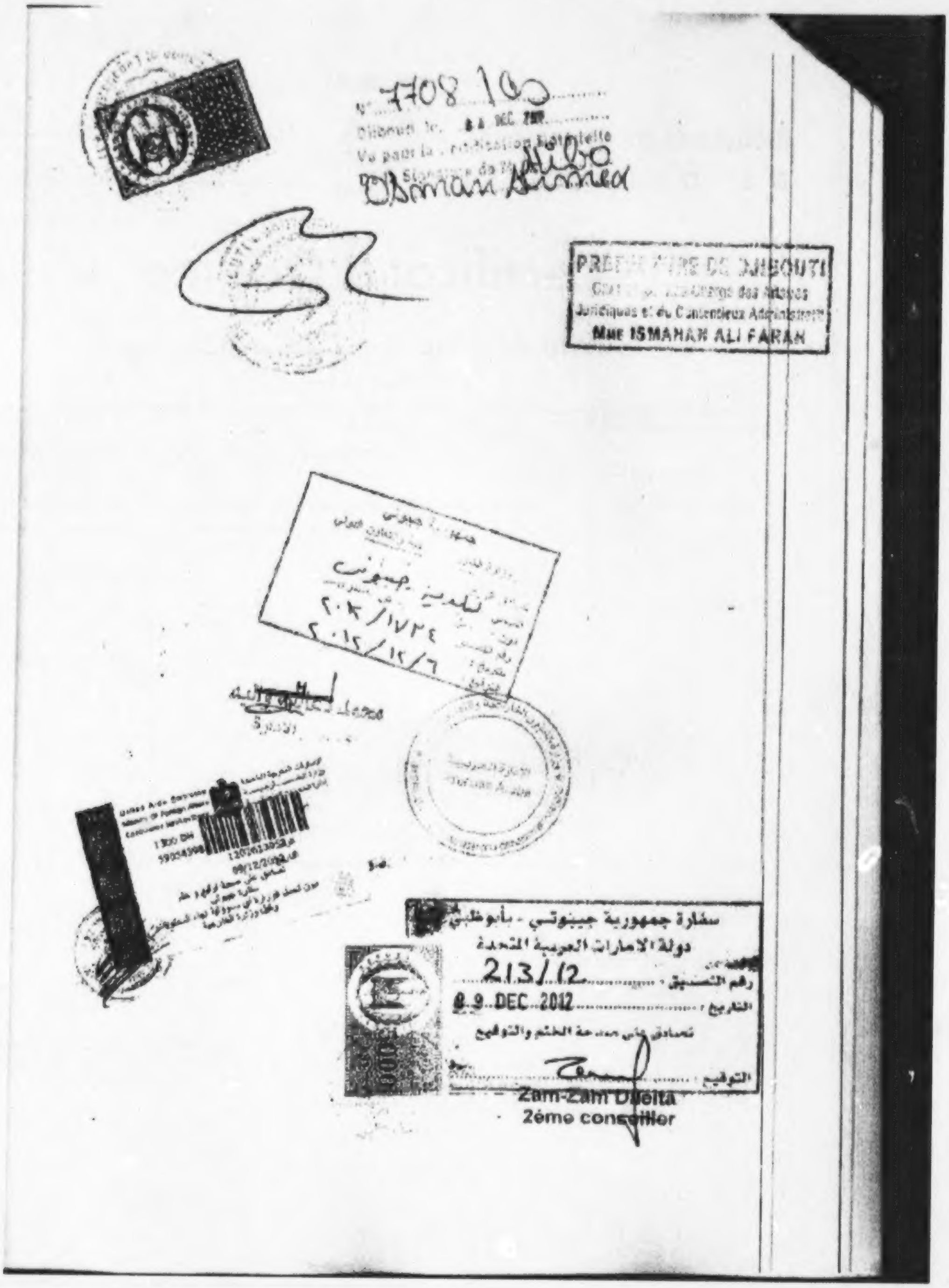
حسب الاقرار رقم:

Djibouti, le 27/11/2012
جيبوتي في

Le Président de la Chambre de Commerce
Chairman of the Chamber of Commerce
رئيس الغرفة التجارية

[illegible]

4. *Official notarization found on the reverse of the commercial invoice*



N° 7708 100

Djibouti le 04 DEC 2012

Vu pour la certification matérielle

de la Signature de M. Hibo Osman Ahmed

PREFECTURE DE DJIBOUTI

Chargé des Affaires Juridiques et du Contentieux Administratif

Mme ISMAHAN ALI FARAH

جمهورية جيبوتي

تصديق جيبوتي

٢٠١٢/١٧٣٤

٢٠١٢/١٢/٦

United Arab Emirates

Ministry of Foreign Affairs

09/12/2012

سفارة جمهورية جيبوتي - بأبوظبي

دولة الإمارات العربية المتحدة

رقم التصديق : 213/12

التاريخ : 09 DEC 2012

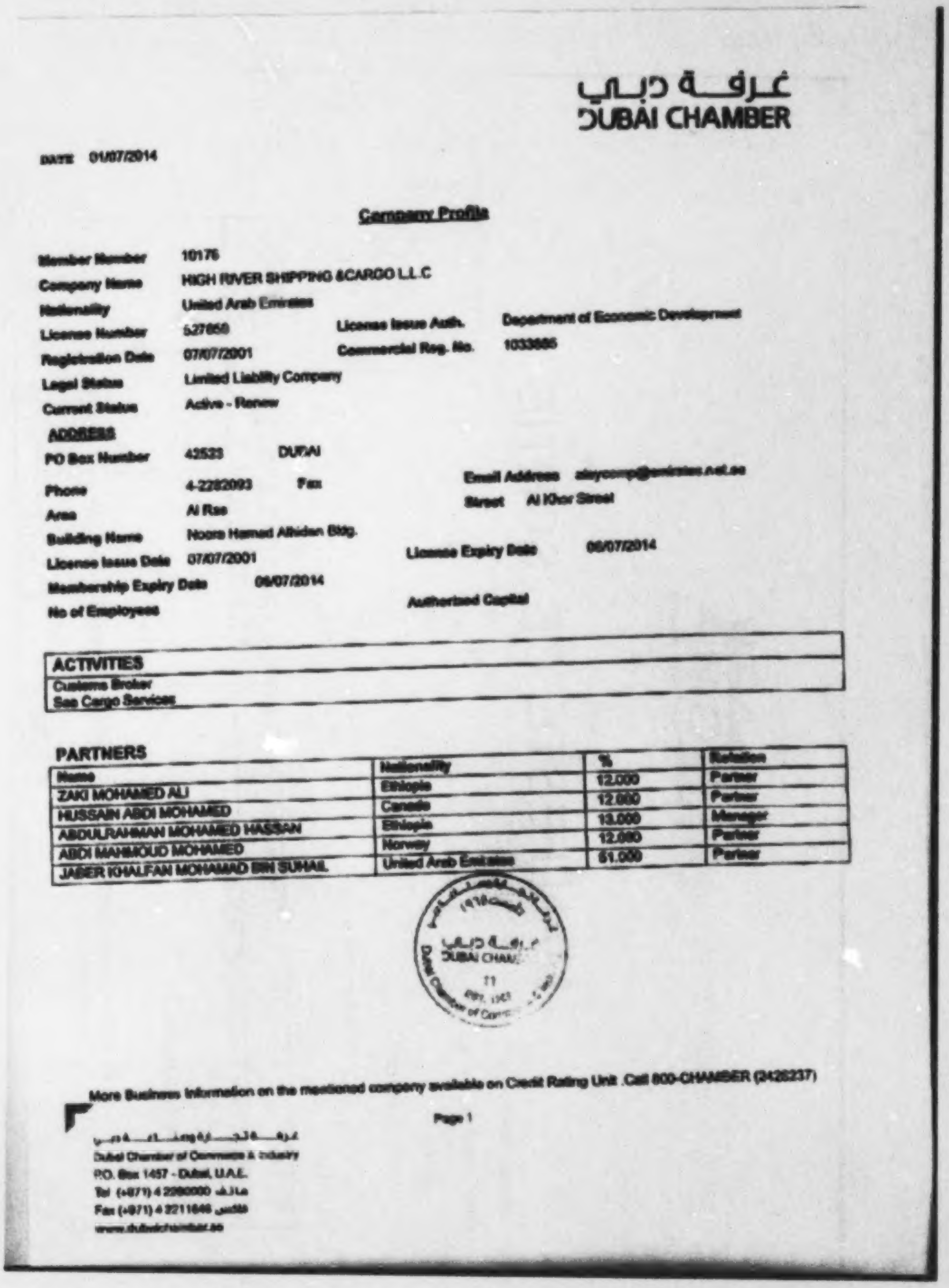
نصادق على صحة الختم والتوقيع

التوقيع :

Zam-Zam Dileita

2ème conseiller

Annex 9.4.b: Shareholders of High River Shipping and Cargo LLC



غـرفـــة دبــي
DUBAI CHAMBER

DATE 01/07/2014

Company Profile

Member Number	10176		
Company Name	HIGH RIVER SHIPPING &CARGO L.L.C		
Nationality	United Arab Emirates		
License Number	527658	License Issue Auth.	Department of Economic Development
Registration Date	07/07/2001	Commercial Reg. No.	1033685
Legal Status	Limited Liability Company		
Current Status	Active - Renew		

ADDRESS

PO Box Number	42523 DUBAI		
Phone	4-2282093 Fax	Email Address	alaycomp@emirates.net.ae
Area	Al Ras	Street	Al Khor Street
Building Name	Noora Hamad Alhidan Bldg.		
License Issue Date	07/07/2001	License Expiry Date	06/07/2014
Membership Expiry Date	06/07/2014		
No of Employees		Authorized Capital	

ACTIVITIES
Customs Broker Sea Cargo Services

PARTNERS

Name	Nationality	%	Relation
ZAKI MOHAMED ALI	Ethiopia	12.000	Partner
HUSSAIN ABDI MOHAMED	Canada	12.000	Partner
ABDULRAHMAN MOHAMED HASSAN	Ethiopia	13.000	Manager
ABDI MAHMOUD MOHAMED	Norway	12.000	Partner
JABER KHALFAN MOHAMAD BIN SUHAIL	United Arab Emirates	51.000	Partner

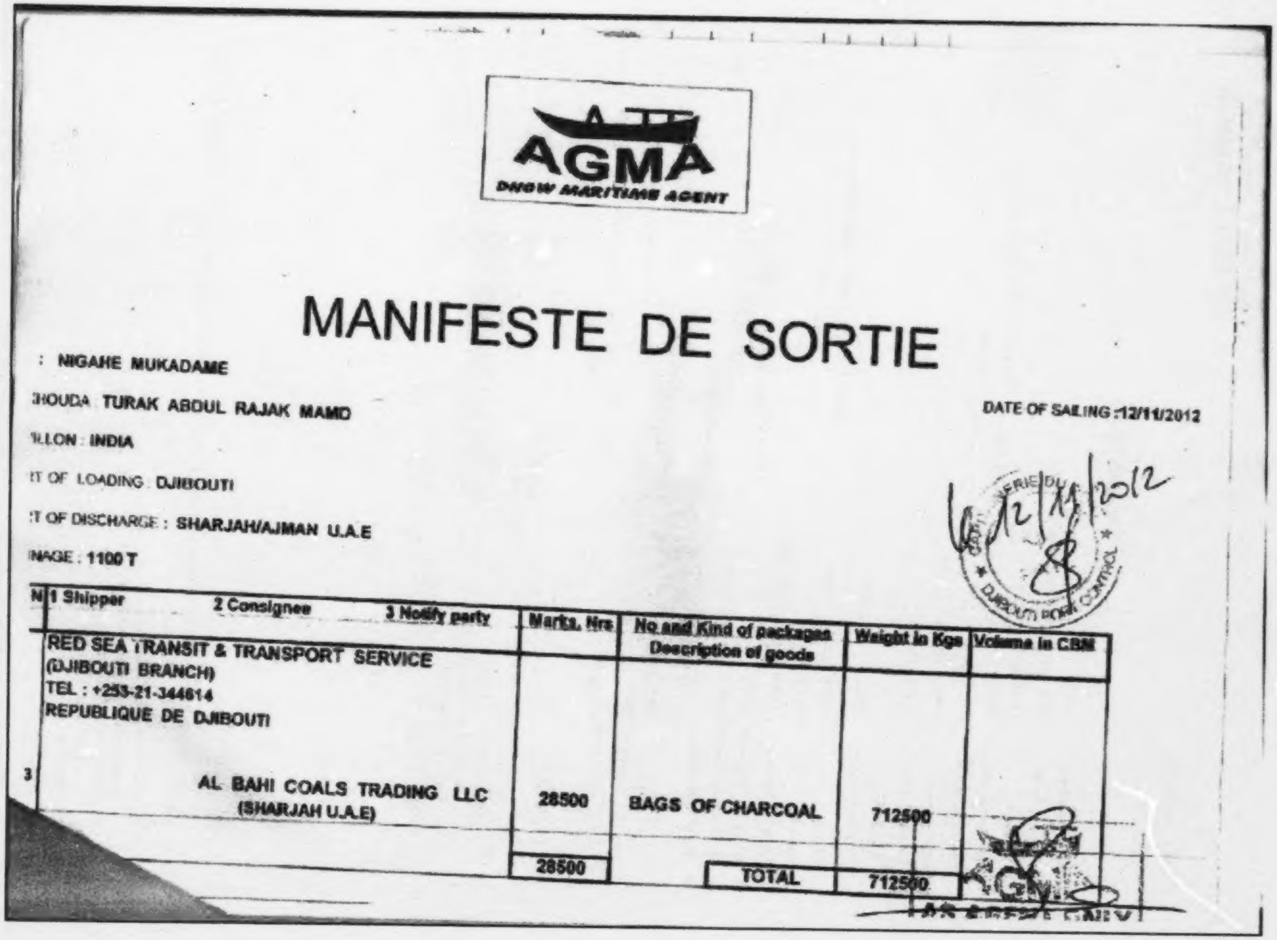
More Business Information on the mentioned company available on Credit Rating Unit .Call 800-CHAMBER (2426237)

Page 1

غرفة تجارة وصناعة دبي
Dubai Chamber of Commerce & Industry
P.O. Box 1457 - Dubai, U.A.E.
Tel (+971) 4 2280000 هاتف
Fax (+971) 4 2211646 فاكس
www.dubaichamber.ae

Annex 9.4.c: Shipping documentation related to the dhow *Nigahe Mukadame*

1. *Bill of lading*



AGMA

DHOW MARITIME AGENT

MANIFESTE DE SORTIE

: NIGAHE MUKADAME

;HOUDA TURAK ABDUL RAJAK MAMD

'LLON : INDIA

IT OF LOADING : DJIBOUTI

:T OF DISCHARGE : SHARJAH/AJMAN U.A.E

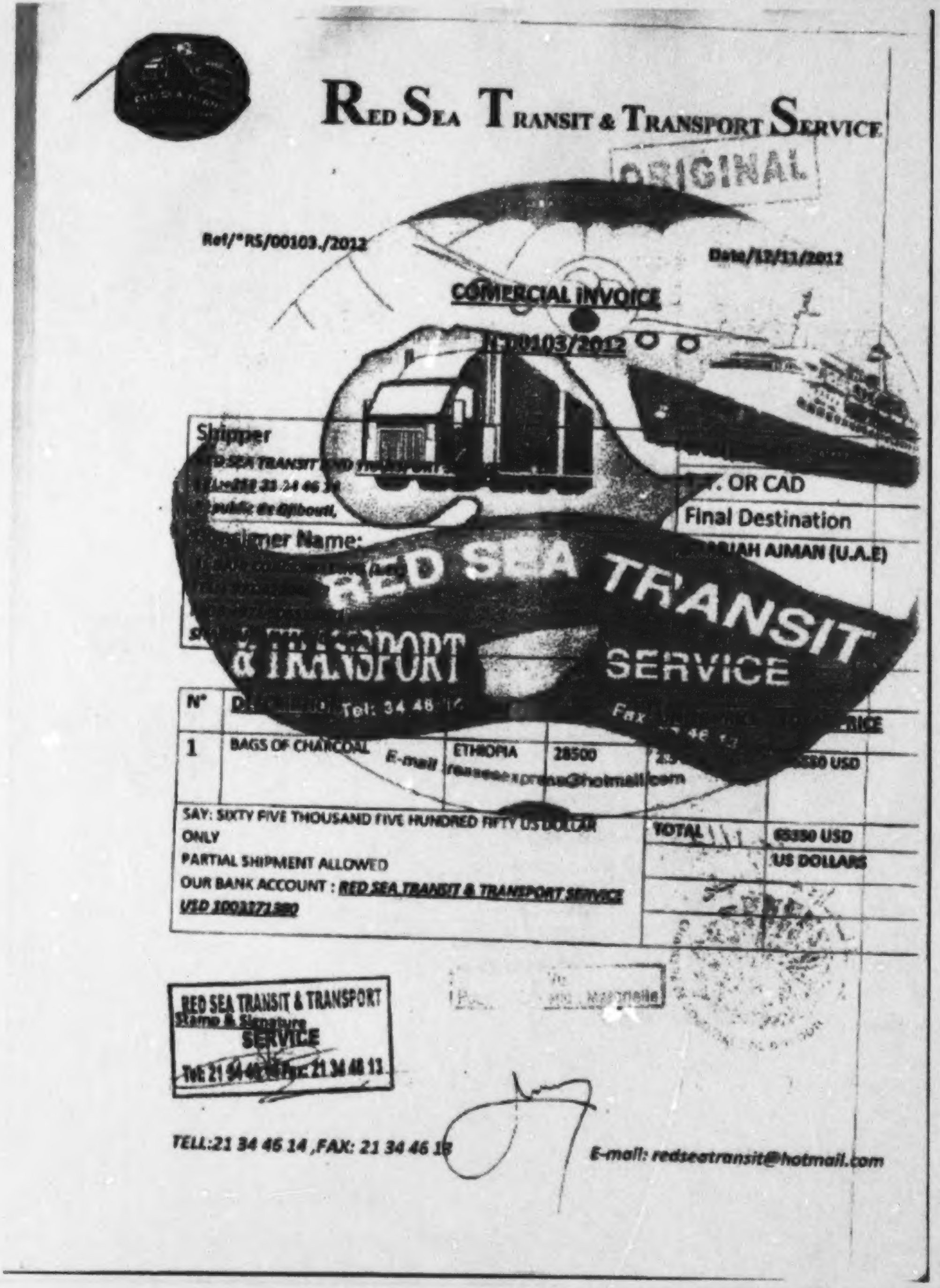
NAGE : 1100 T

DATE OF SAILING :12/11/2012

12/11/2012

N	1 Shipper 2 Consignee 3 Notify party	Marks, Nrs	No and Kind of packages Description of goods	Weight in Kgs	Volume in CBM
	RED SEA TRANSIT & TRANSPORT SERVICE (DJIBOUTI BRANCH) TEL : +253-21-344614 REPUBLIQUE DE DJIBOUTI				
3	AL BAHI COALS TRADING LLC (SHARJAH U.A.E)	28500	BAGS OF CHARCOAL	712500	
		28500	TOTAL	712500	

2. *Commercial invoice*



RED SEA TRANSIT & TRANSPORT SERVICE

ORIGINAL

Ref/°RS/00103./2012

Date/12/11/2012

COMERCIAL INVOICE

N°00103/2012

Shipper RED SEA TRANSIT AND TRANSPORT [illegible] République de Djibouti,	[illegible]
	[illegible] OR CAD
[illegible] Name: [illegible]	Final Destination
	[illegible] AJMAN (U.A.E)

N°	D[illegible]				[illegible]RICE
1	BAGS OF CHARCOAL	ETHIOPIA	28500	[illegible]	[illegible] USD

SAY: SIXTY FIVE THOUSAND FIVE HUNDRED FIFTY US DOLLAR ONLY PARTIAL SHIPMENT ALLOWED OUR BANK ACCOUNT : RED SEA TRANSIT & TRANSPORT SERVICE USD 1003271380	TOTAL	65550 USD
		US DOLLARS

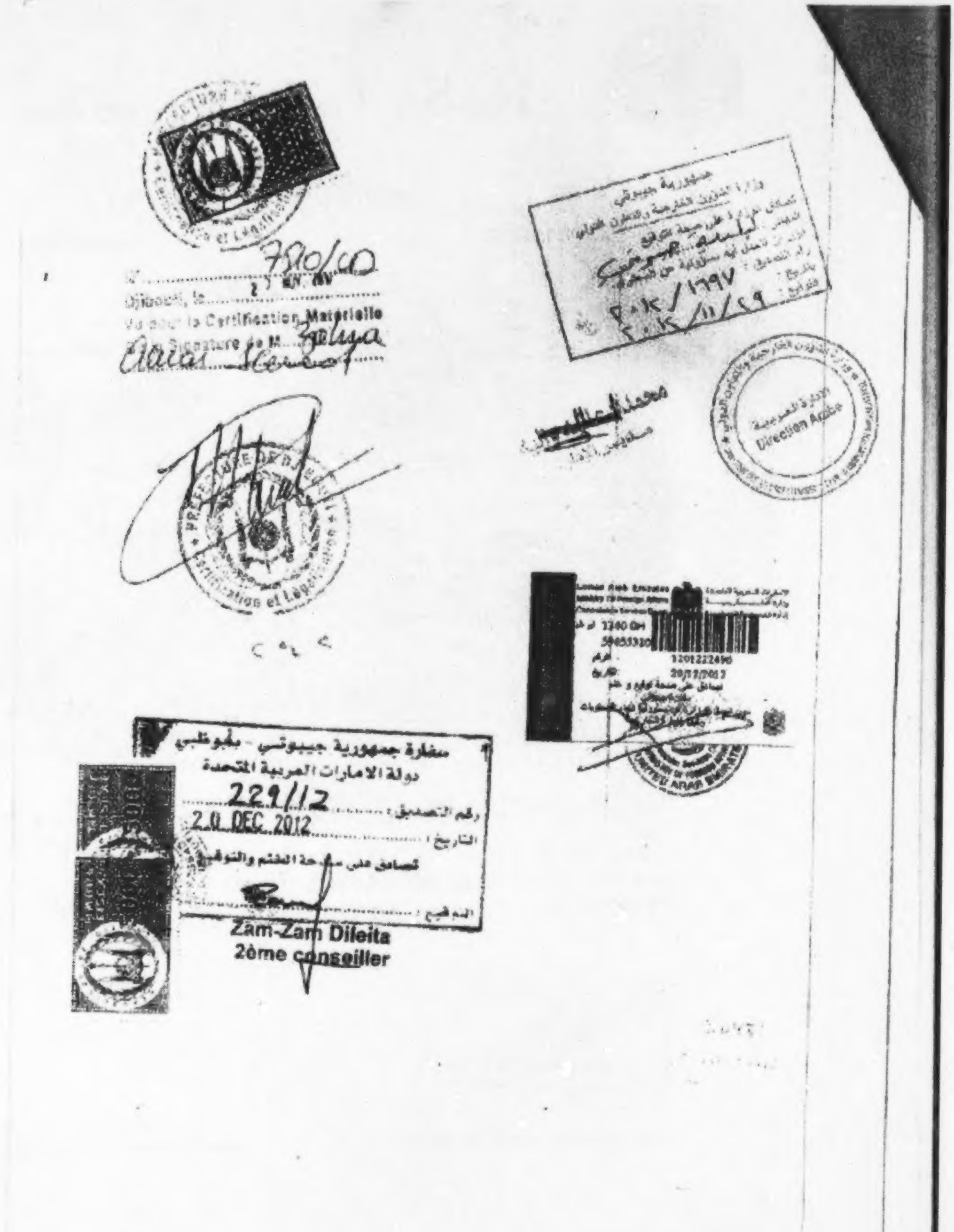
RED SEA TRANSIT & TRANSPORT SERVICE Tel: 34 48 14 Fax [illegible] 46 13 E-mail redseaexpress@hotmail.com

RED SEA TRANSIT & TRANSPORT SERVICE
Stamp & Signature
Tel: 21 34 46 14 Fax: 21 34 48 13

TELL:21 34 46 14 ,FAX: 21 34 46 18

E-mail: redseatransit@hotmail.com

3. *Notarization of the reverse of the commercial invoice*



N° 7810/CD
Djibouti, le 2 7 NOV
Vu pour la Certification Materielle
de la Signature de M. Zelya

جمهورية جيبوتي
وزارة الشؤون الخارجية والتعاون الدولي
تصادق الوزارة على صحة توقيع
السيد
الوزارة لا تتحمل أية مسؤولية عن المحتوى
رقم التصديق : ٢٠١٢/١٦٩٧
بتاريخ : ٢٠١٢/١١/٢٩

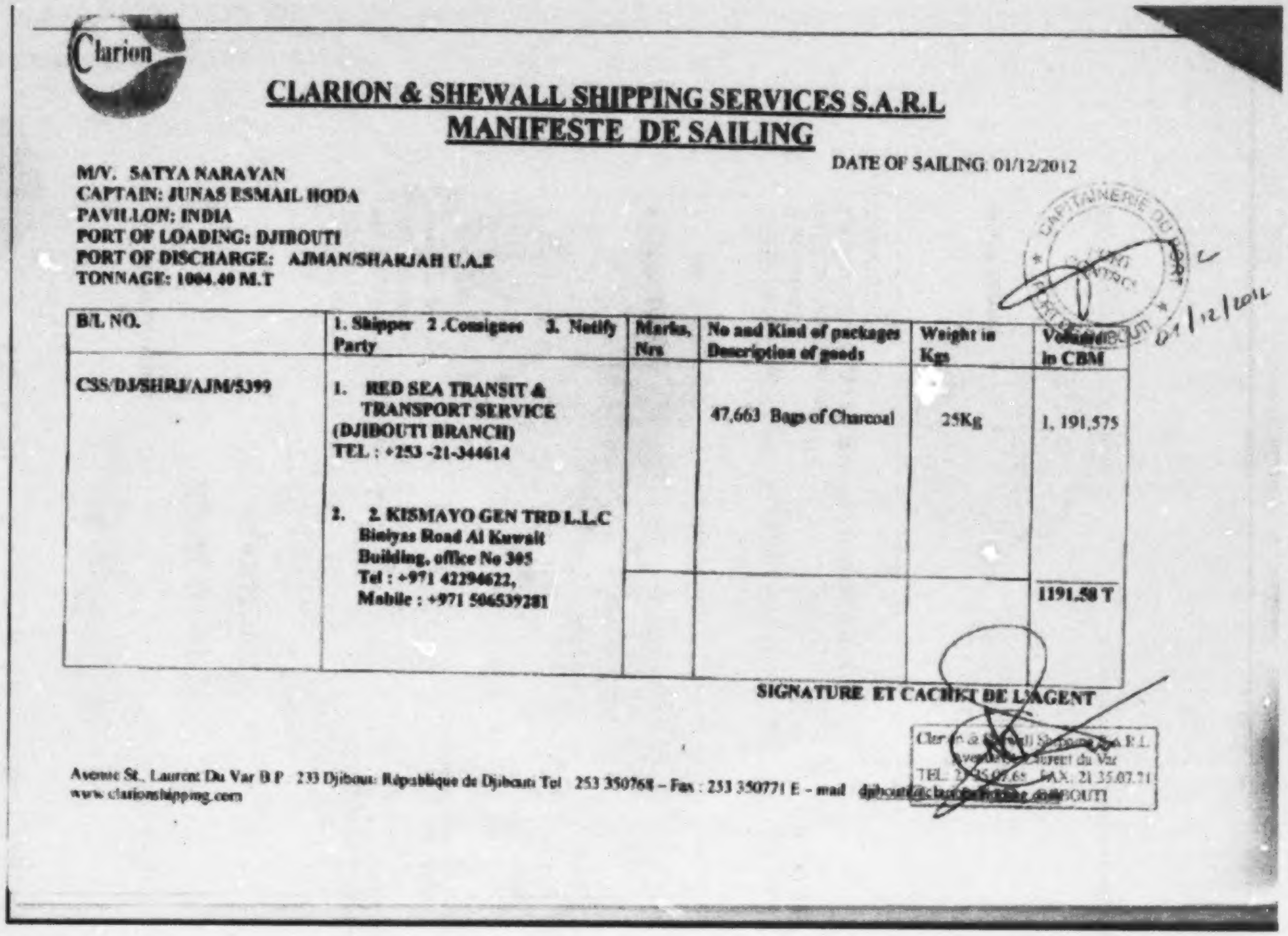
Direction Arabe

United Arab Emirates
Ministry of Foreign Affairs
3340 DH
1201222490
20/12/2012
يصادق على صحة توقيع و ختم

سفارة جمهورية جيبوتي - بأبوظبي
دولة الامارات العربية المتحدة
رقم التصديق : 229/12
التاريخ : 20 DEC 2012
تصادق على صحة الختم والتوقيع
التوقيع :
Zam-Zam Dileita
2ème conseiller

Annex 9.4.d: Shipping documentation related to the dhow *Satya Narayan*

1. *Bill of lading*



CLARION & SHEWALL SHIPPING SERVICES S.A.R.L

MANIFESTE DE SAILING

DATE OF SAILING: 01/12/2012

M/V. SATYA NARAYAN
CAPTAIN: JUNAS ESMAIL HODA
PAVILLON: INDIA
PORT OF LOADING: DJIBOUTI
PORT OF DISCHARGE: AJMAN/SHARJAH U.A.E
TONNAGE: 1004.40 M.T

01/12/2012

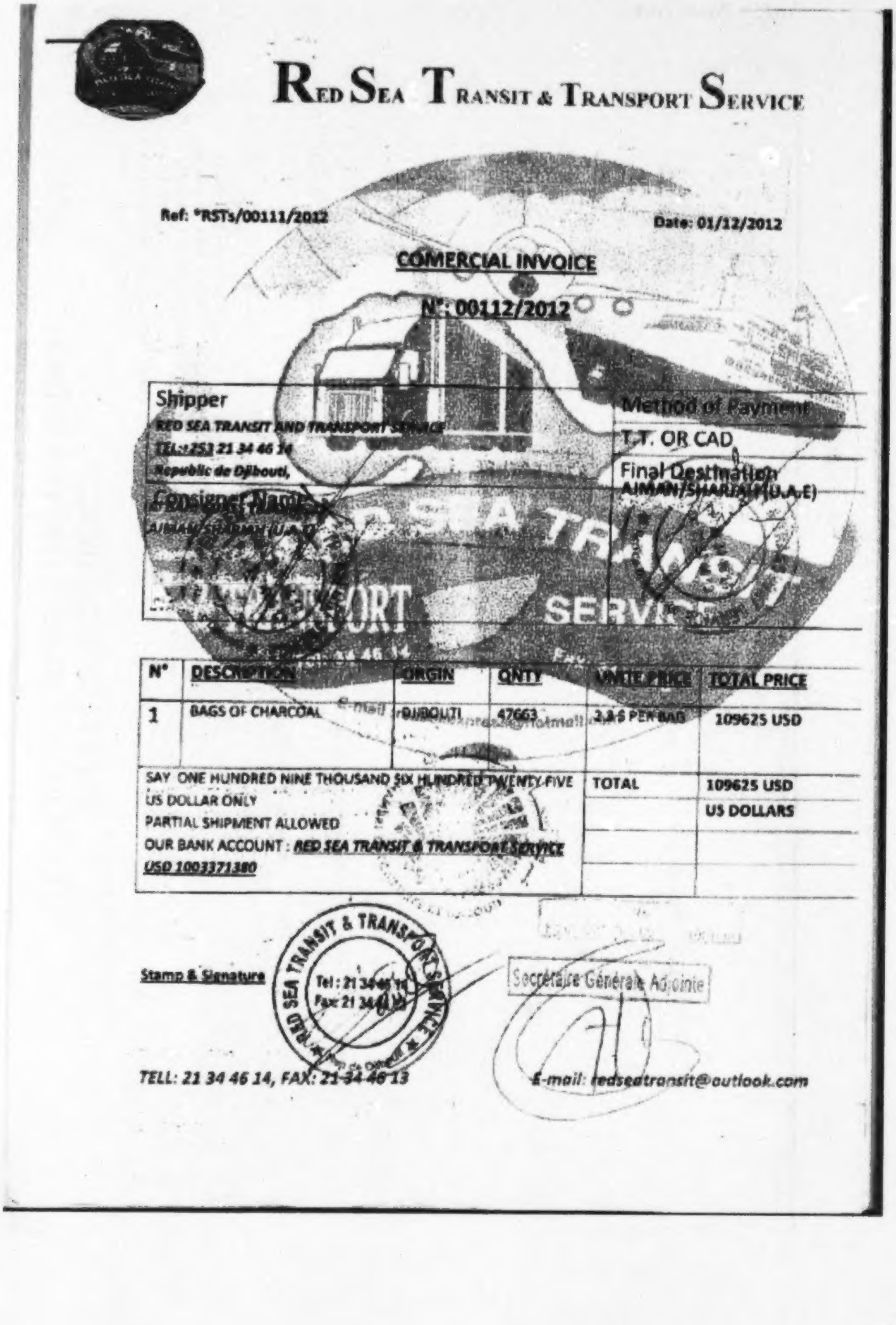
B/L NO.	1. Shipper 2. Consignee 3. Notify Party	Marks, Nrs	No and Kind of packages Description of goods	Weight in Kgs	Volume in CBM
CSS/DJ/SHRJ/AJM/5399	1. RED SEA TRANSIT & TRANSPORT SERVICE (DJIBOUTI BRANCH) TEL : +253 -21-344614 2. 2. KISMAYO GEN TRD L.L.C Biniyas Road Al Kuwait Building, office No 305 Tel : +971 42294622, Mobile : +971 506539281		47,663 Bags of Charcoal	25Kg	1, 191,575
					1191.58 T

SIGNATURE ET CACHET DE L'AGENT

Clarion & Shewall Shipping S.A.R.L.
Avenue St. Laurent du Var
TEL: 21 35.07.65 FAX: 21 35.07.71
DJIBOUTI

Avenue St., Laurent Du Var B.P. 233 Djibouti République de Djibouti Tel 253 350768 – Fax : 253 350771 E - mail djibouti@clarionshipping.com
www.clarionshipping.com

2. *Commercial invoice*



RED SEA TRANSIT & TRANSPORT SERVICE

Ref: °RSTs/00111/2012

Date: 01/12/2012

COMERCIAL INVOICE

N°: 00112/2012

Shipper *RED SEA TRANSIT AND TRANSPORT SERVICE* *TEL:+253 21 34 46 14* *Republic de Djibouti,*	**Method of Payment** T.T. OR CAD
Consignee Name : [illegible] *AJMAN/SHARJAH (U.A.E)*	**Final Destination** AJMAN/SHARJAH (U.A.E)

N°	DESCRIPTION	ORGIN	QNTY	UNITE PRICE	TOTAL PRICE
1	BAGS OF CHARCOAL	DJIBOUTI	47663	2.3 $ PER BAG	109625 USD

SAY ONE HUNDRED NINE THOUSAND SIX HUNDRED TWENTY FIVE US DOLLAR ONLY PARTIAL SHIPMENT ALLOWED OUR BANK ACCOUNT : *RED SEA TRANSIT & TRANSPORT SERVICE USD 1003371380*	TOTAL	109625 USD US DOLLARS

Stamp & Signature

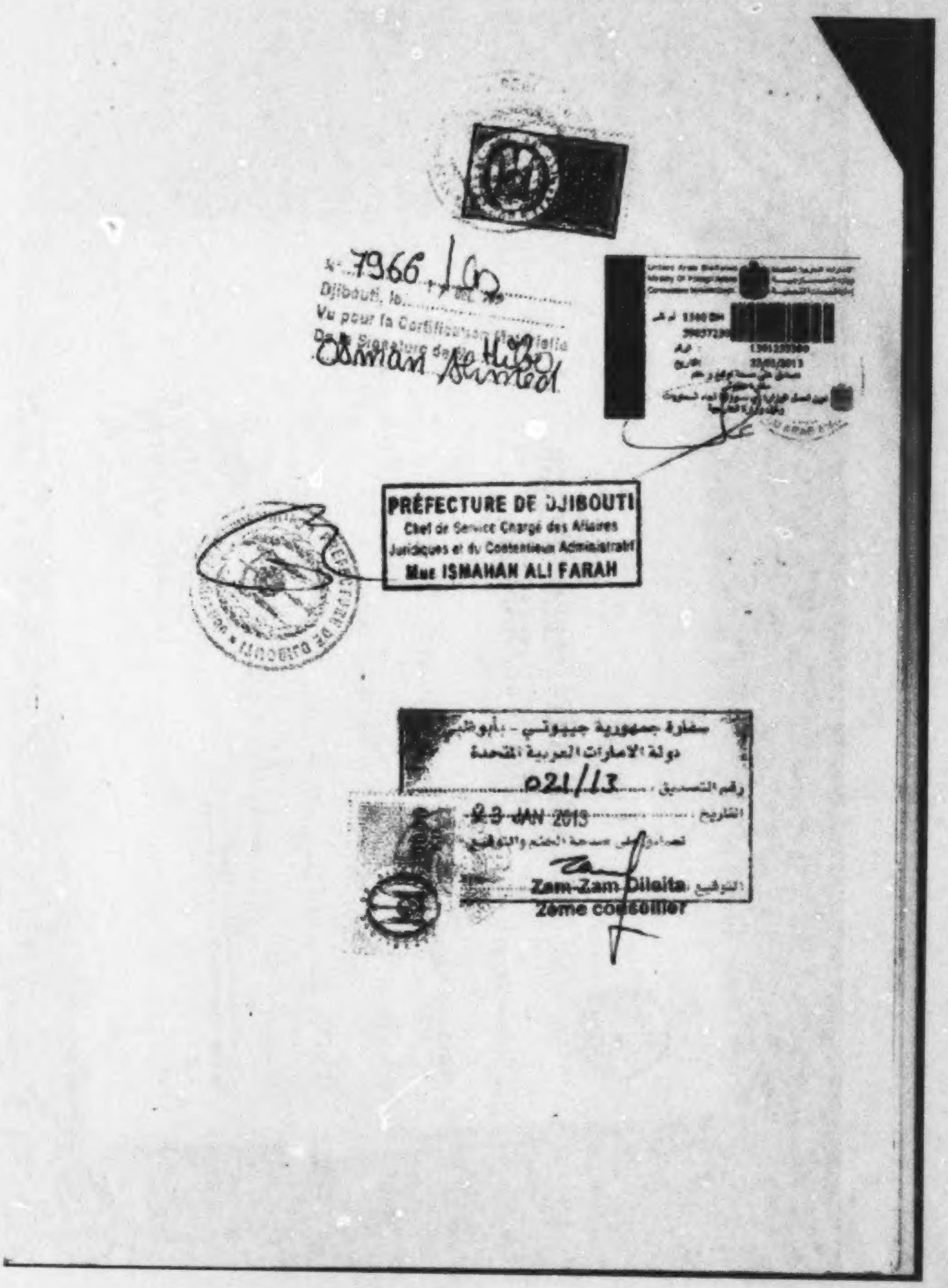
RED SEA TRANSIT & TRANSPORT SERVICE
Tel : 21 34 46 14
Fax: 21 34 46 13

Secrétaire Générale Adjointe

TELL: 21 34 46 14, FAX: 21 34 46 13

E-mail: redseatransit@outlook.com

3. *Notarization on the reverse of the commercial invoice*

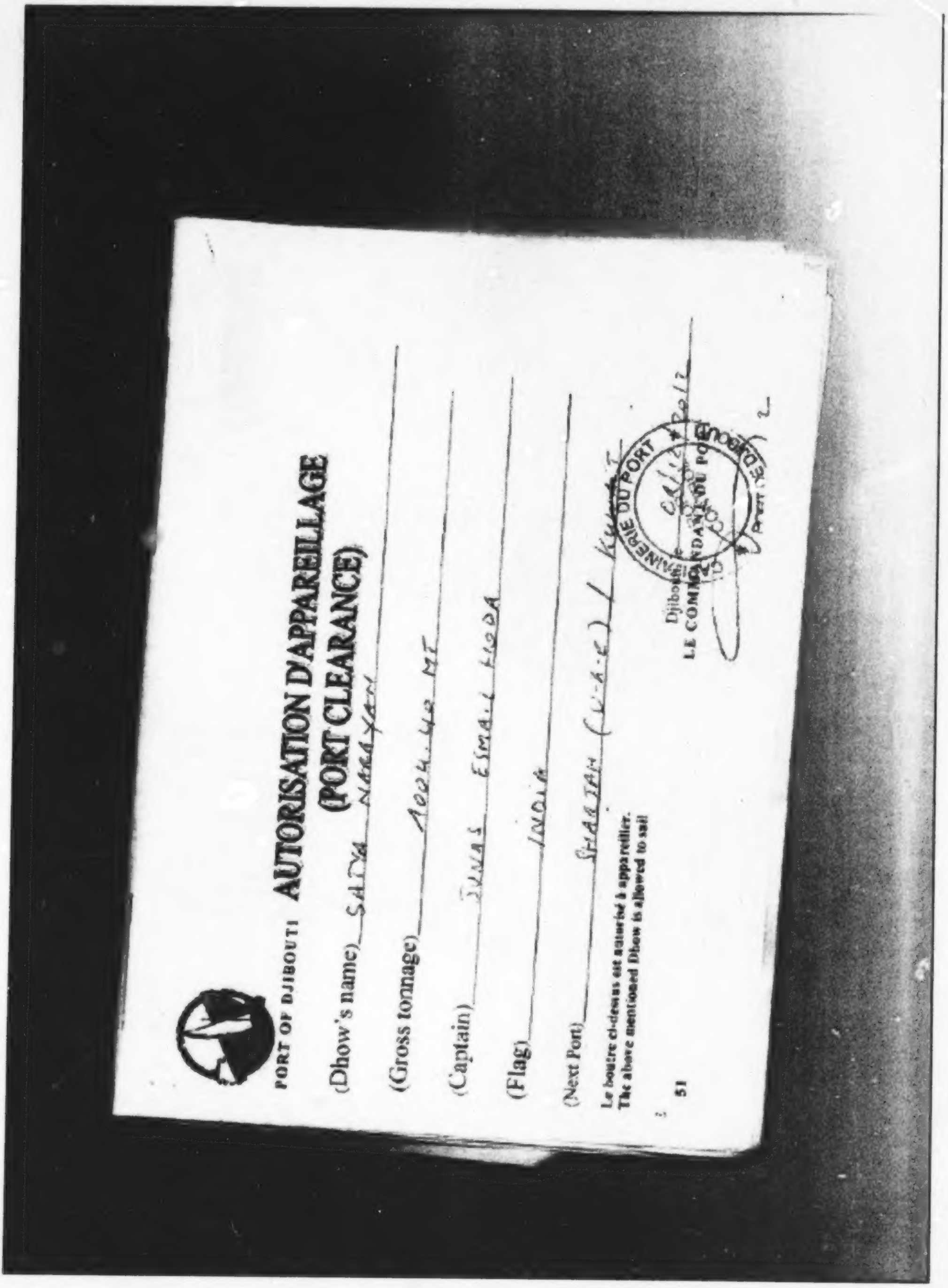


N° 7966
Djibouti, le
Vu pour la Certification Matérielle
De la Signature de Hibo
Osman Ahmed

PRÉFECTURE DE DJIBOUTI
Chef de Service Chargé des Affaires
Juridiques et du Contentieux Administratif
Mme ISMAHAN ALI FARAH

سفارة جمهورية جيبوتي - بأبوظبي
دولة الإمارات العربية المتحدة
رقم التصديق : 021/13
التاريخ : 23 JAN 2013
تصادق على صحة الختم والتوقيع
التوقيع : Zam-Zam Dileita
2ème conseiller

4. *False port clearance*



PORT OF DJIBOUTI **AUTORISATION D'APPAREILLAGE**
(PORT CLEARANCE)

(Dhow's name) SATYA NARAYAN

(Gross tonnage) 1004.40 MT

(Captain) JUNAS ESMAIL HODA

(Flag) INDIA

(Next Port) SHARJAH (U-A-E) / KUWAIT

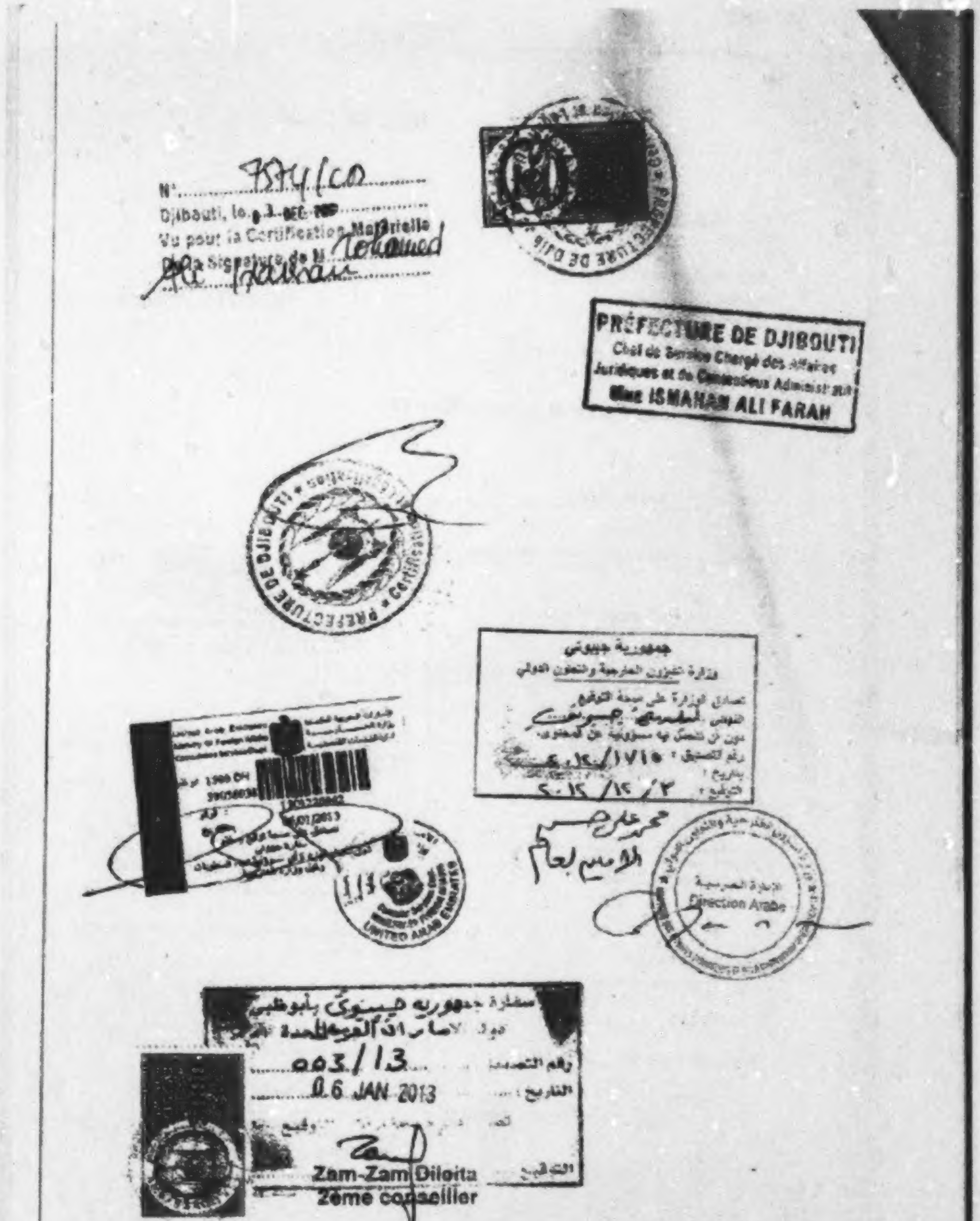
Le boutre ci-dessus est autorisé à appareiller.
The above mentioned Dhow is allowed to sail

51

Djibouti, le 06/12/2012
LE COMMANDANT DU PORT

CAPITAINERIE DU PORT ★ PORT DE DJIBOUTI

Annex 9.4.e: Notarization for documentation related to the dhow *Al Yusuf*



N°. 7574/CO

Djibouti, le 03 DEC [illegible]

Vu pour la Certification Matérielle

de la Signature de M. Mohamed Ali Hassan

PRÉFECTURE DE DJIBOUTI

Chef de Service Chargé des Affaires

Juridiques et du Contentieux Administratif

Mme ISMAHAN ALI FARAH

جمهورية جيبوتي

وزارة الشؤون الخارجية والتعاون الدولي

تصادق الوزارة على صحة التوقيع

الموقع

دون أن تتحمل أية مسؤولية عن المحتوى

رقم التصديق : ١٧١٥/١٢/ع

بتاريخ :

التوقيع : ٣/١٢/٢٠١٢

محمد علي حسن

الأمين العام

الإدارة العربية

Direction Arabe

UNITED ARAB EMIRATES

سفارة جمهورية جيبوتي بأبوظبي

دولة الامارات العربية المتحدة

رقم التصديق 003/13

التاريخ : 06 JAN 2013

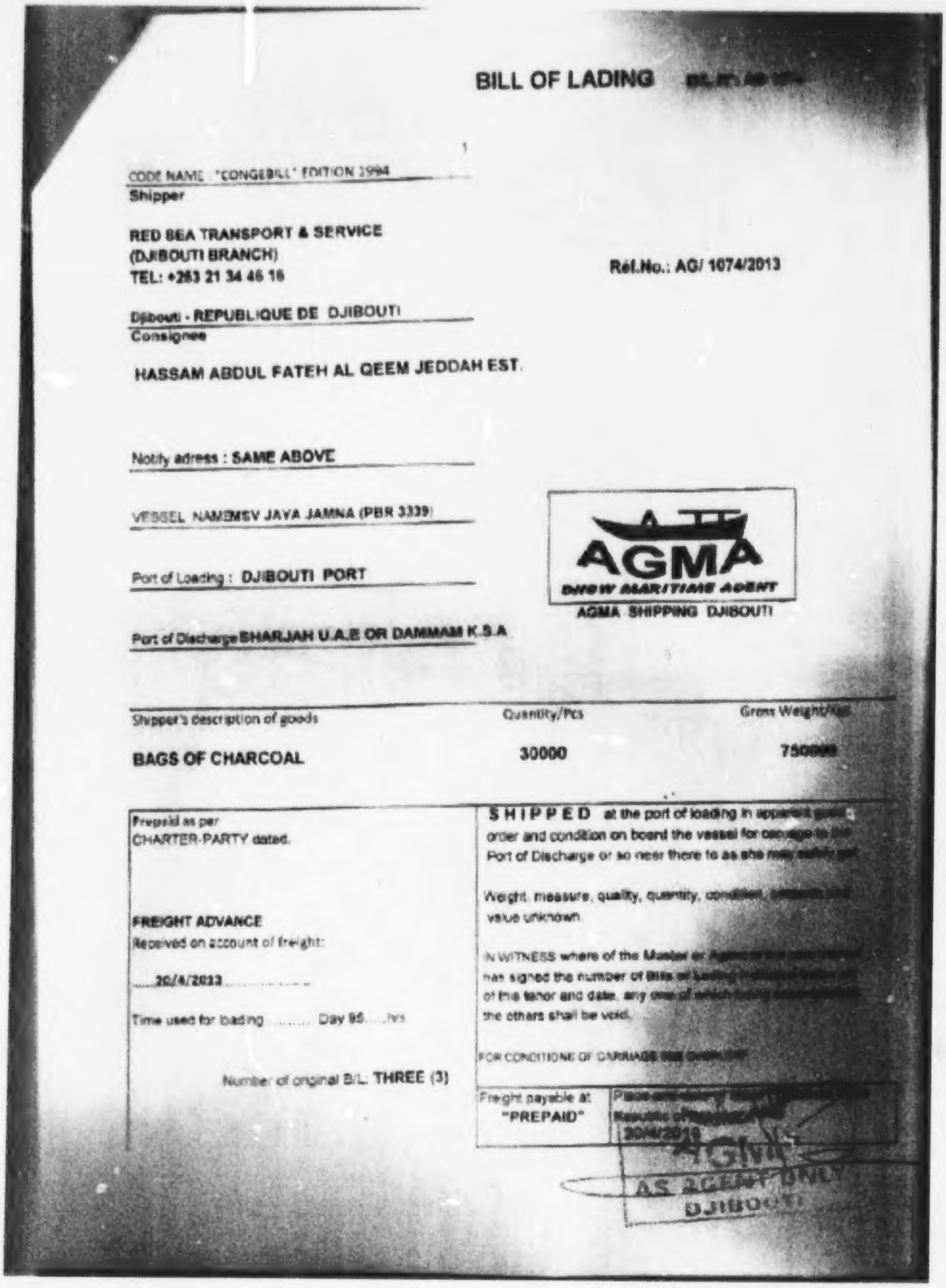
التوقيع

Zam-Zam Diloita

2ème conseiller

Annex 9.4.f: Shipping documentation related to the dhow *Jaya Jamna*

1. *Bill of lading*



BILL OF LADING [illegible]

CODE NAME : "CONGENBILL" EDITION 1994

Shipper

RED SEA TRANSPORT & SERVICE
(DJIBOUTI BRANCH)
TEL: +253 21 34 46 16

Djibouti - REPUBLIQUE DE DJIBOUTI

Réf.No.: AG/ 1074/2013

Consignee

HASSAM ABDUL FATEH AL QEEM JEDDAH EST.

Notify adress : SAME ABOVE

VESSEL NAMEMSV JAYA JAMNA (PBR 3339)

Port of Loading : DJIBOUTI PORT

Port of DischargeSHARJAH U.A.E OR DAMMAM K.S.A

AGMA
DHOW MARITIME AGENT
AGMA SHIPPING DJIBOUTI

Shipper's description of goods	Quantity/Pcs	Gross Weight/[illegible]
BAGS OF CHARCOAL	30000	750[illegible]

Prepaid as per
CHARTER-PARTY dated.

FREIGHT ADVANCE
Received on account of freight:

20/4/2013

Time used for loading .... Day 95.....hrs

Number of original B/L THREE (3)

SHIPPED at the port of loading in apparent good order and condition on board the vessel for carriage to the Port of Discharge or so near there to as she may safely get.

Weight, measure, quality, quantity, condition, [illegible] value unknown.

IN WITNESS where of the Master or Agent [illegible] has signed the number of Bills of Lading [illegible] of this tenor and date, any one of which [illegible] the others shall be void.

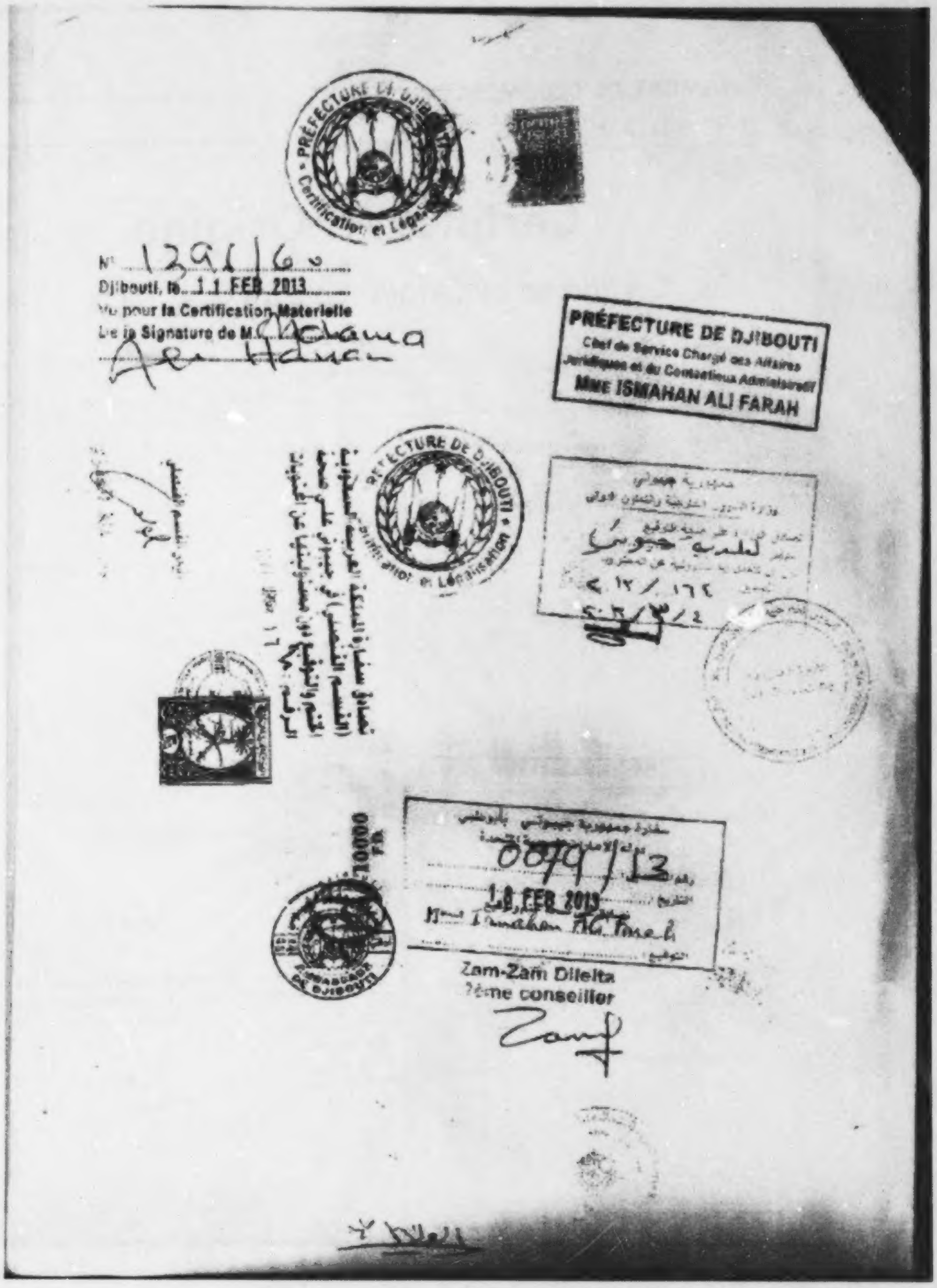
FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable at
"PREPAID"

Place and date [illegible]
Republic of [illegible]
20/4/2013

AGMA
AS AGENT ONLY
DJIBOUTI

2. *Notarized commercial invoice*



N° 1291/6
Djibouti, le 11 FEB 2013
Vu pour la Certification Materielle
De la Signature de M. Mohama
Ali Haman

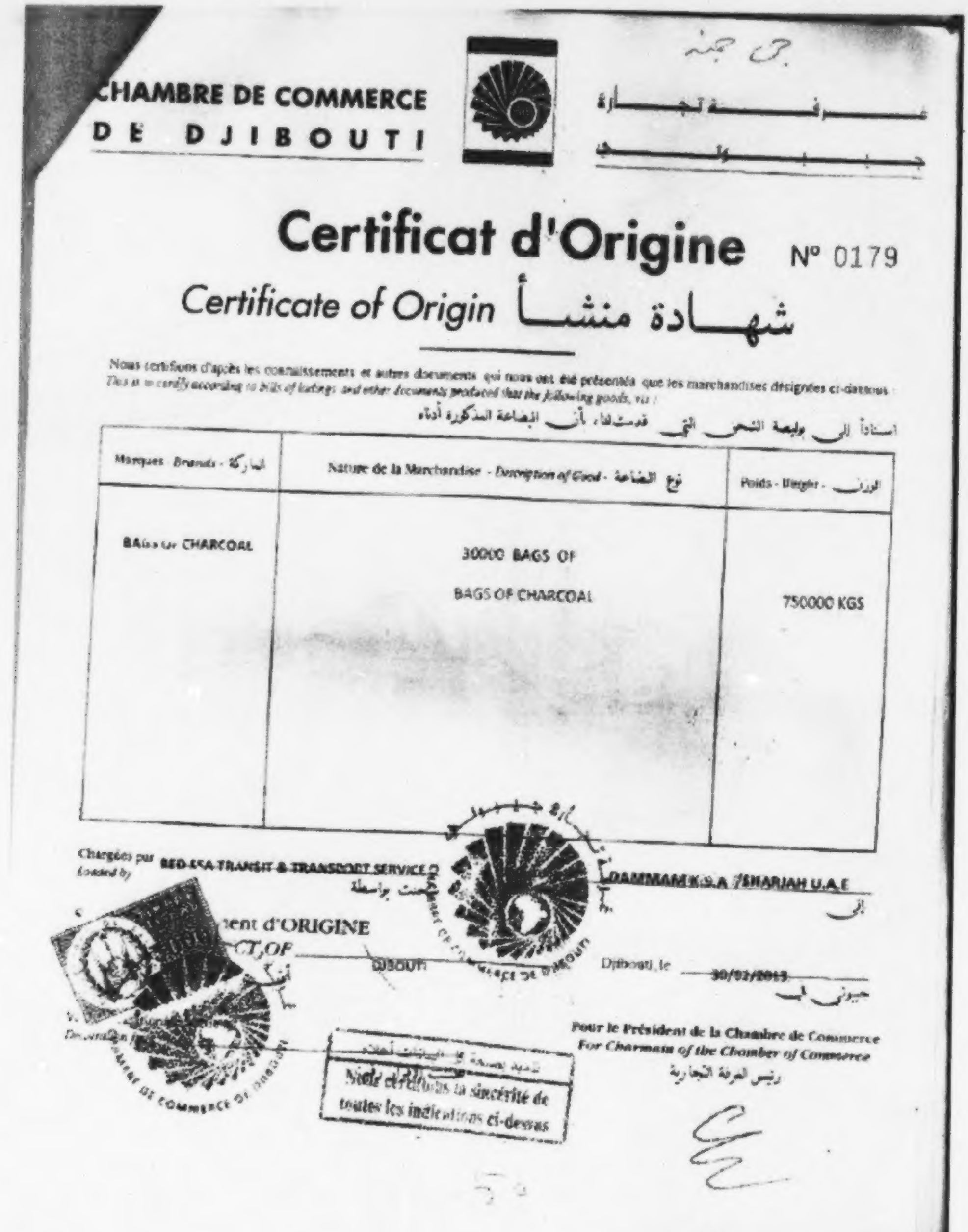
PRÉFECTURE DE DJIBOUTI
Chef de Service Chargé des Affaires Juridiques et du Contentieux Administratif
MME ISMAHAN ALI FARAH

10000 FD

0079/13
18 FEB 2013
Mme Ismahan Ali Farah

Zam-Zam Dileita
2ème conseiller

3. *Certificate of origin*



CHAMBRE DE COMMERCE
DE DJIBOUTI

غرفة تجارة
جيبوتي

Certificat d'Origine

N° 0179

Certificate of Origin شهادة منشأ

Nous certifions d'après les connaissements et autres documents qui nous ont été présentés que les marchandises désignées ci-dessous :
This is to certify according to bills of ladings and other documents produced that the following goods, viz :
استناداً الى وليصة الشحن التي قدمت لنا، أن البضاعة المذكورة أدناه

Marques · *Brands* · الماركة	Nature de la Marchandise · *Description of Good* · نوع البضاعة	Poids · *Weight* · الوزن
BAGS OF CHARCOAL	30000 BAGS OF BAGS OF CHARCOAL	750000 KGS

Chargées par *Loaded by* RED-SEA TRANSIT & TRANSPORT SERVICE شحنت بواسطة

DAMMAM K.S.A / SHARJAH U.A.E الى

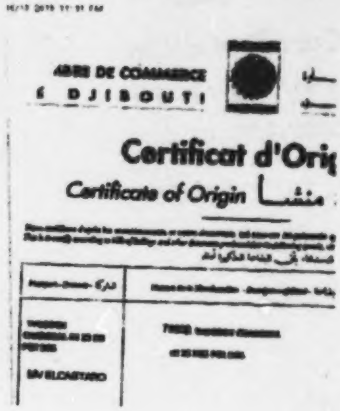
ent d'ORIGINE
CT OF DJIBOUTI

Djibouti, le 30/02/2013 جيبوتي في

Nous certifions la sincérité de
toutes les indications ci-dessus

Pour le Président de la Chambre de Commerce
For Chairman of the Chamber of Commerce
رئيس الغرفة التجارية

Annex 9.4.g: Djiboutian certificates of origin for the vessels *El Castaro*, *Uweeshi Karani* and *Haridham*, noting the shipper as Red Sea Transit and Transport Service

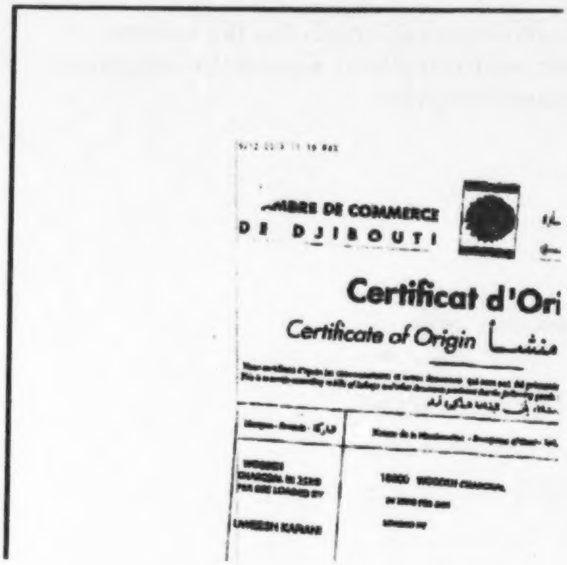


ABRE DE COMMERCE
E DJIBOUTI

Certificat d'Ori

Certificate of Origin منشأ

M/V ELCASTARO

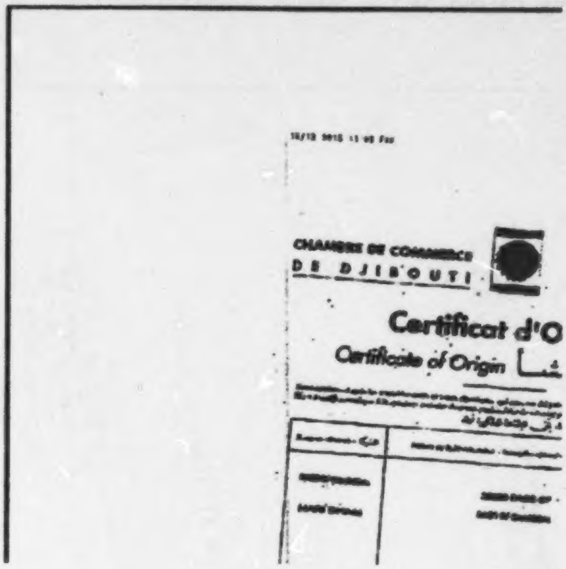


…MBRE DE COMMERCE
DE DJIBOUTI

Certificat d'Ori

Certificate of Origin منشـأ

WOODEN CHARCOAL IN 25KG PER BAG LOADED BY UMEESH KARANI	18000 WOODEN CHARCOAL

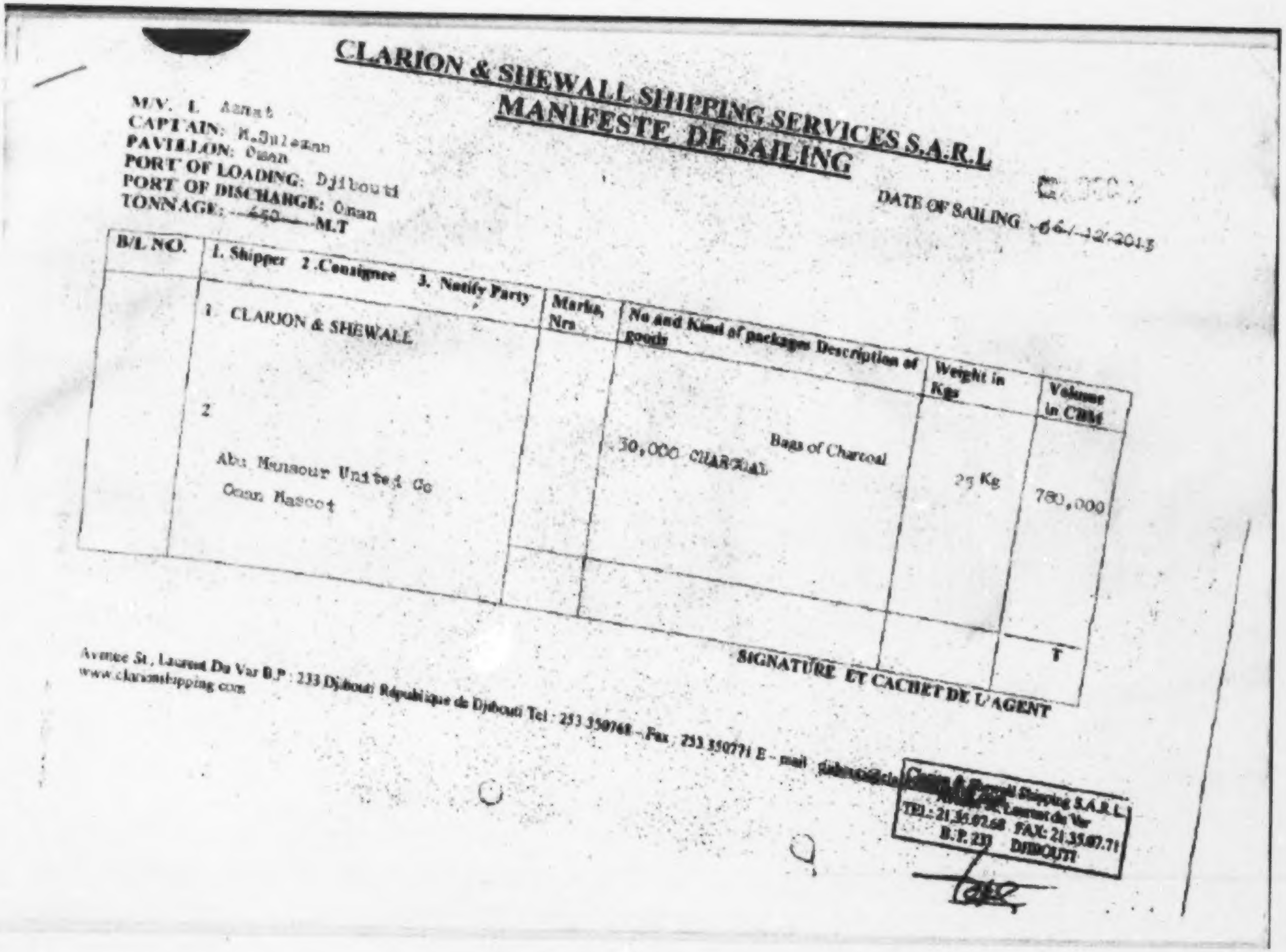


CHAMBRE DE COMMERCE
DE DJIBOUTI

Certificat d'O

Certificate of Origin

Annex 9.4.h: Bill of lading raised by Clarion & Shewall for the dhow *Azmat*



CLARION & SHEWALL SHIPPING SERVICES S.A.R.L

MANIFESTE DE SAILING

M/V. L Azmat
CAPTAIN: M.Suleman
PAVILLON: Oman
PORT OF LOADING: Djibouti
PORT OF DISCHARGE: Oman
TONNAGE: --450--M.T

DATE OF SAILING -06/-12/2013

B/L NO.	1. Shipper 2.Consignee 3. Notify Party	Marks, Nrs	No and Kind of packages Description of goods	Weight in Kgs	Volume in CBM
	1 CLARION & SHEWALL 2 Abu Munsour United Co Oman Mascot		30,000 CHARCOAL Bags of Charcoal	25 Kg	780,000
					T

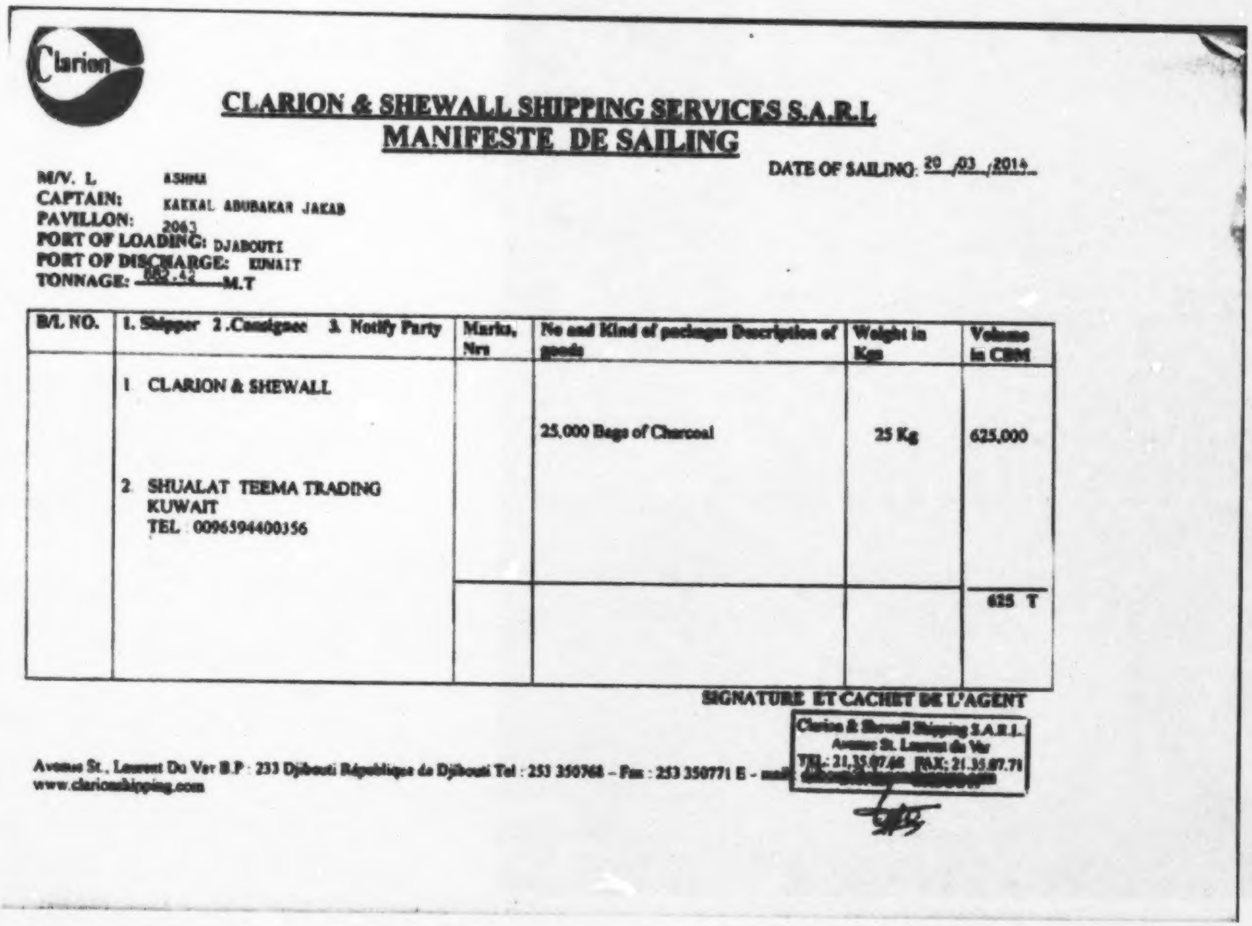
SIGNATURE ET CACHET DE L'AGENT

Avenue St, Laurent Du Var B.P : 233 Djibouti République de Djibouti Tel : 253 350768 – Fax : 253 350771 E – mail : [illegible]
www.clarionshipping.com

Clarion & Shewall Shipping S.A.R.L.
Avenue St, Laurent du Var
TEL: 21.35.07.68 FAX: 21.35.07.71
B.P. 233 DJIBOUTI

Annex 9.4.i: Clarion & Shewall offices in Djibouti

Annex 9.4.j: Bill of lading for the dhow *Al Asma*[85] raised by Clarion & Shewall



CLARION & SHEWALL SHIPPING SERVICES S.A.R.L

MANIFESTE DE SAILING

DATE OF SAILING: 20 /03 /2014

M/V. L ASHMA
CAPTAIN: KAKKAL ABUBAKAR JAKAB
PAVILLON: 2063
PORT OF LOADING: DJABOUTI
PORT OF DISCHARGE: KUWAIT
TONNAGE: 882.42 M.T

B/L NO.	1. Shipper 2. Consignee 3. Notify Party	Marks, Nrs	No and Kind of packages Description of goods	Weight in Kgs	Volume in CBM
	1 CLARION & SHEWALL 2 SHUALAT TEEMA TRADING KUWAIT TEL 0096594400356		25,000 Bags of Charcoal	25 Kg	625,000
					625 T

SIGNATURE ET CACHET DE L'AGENT

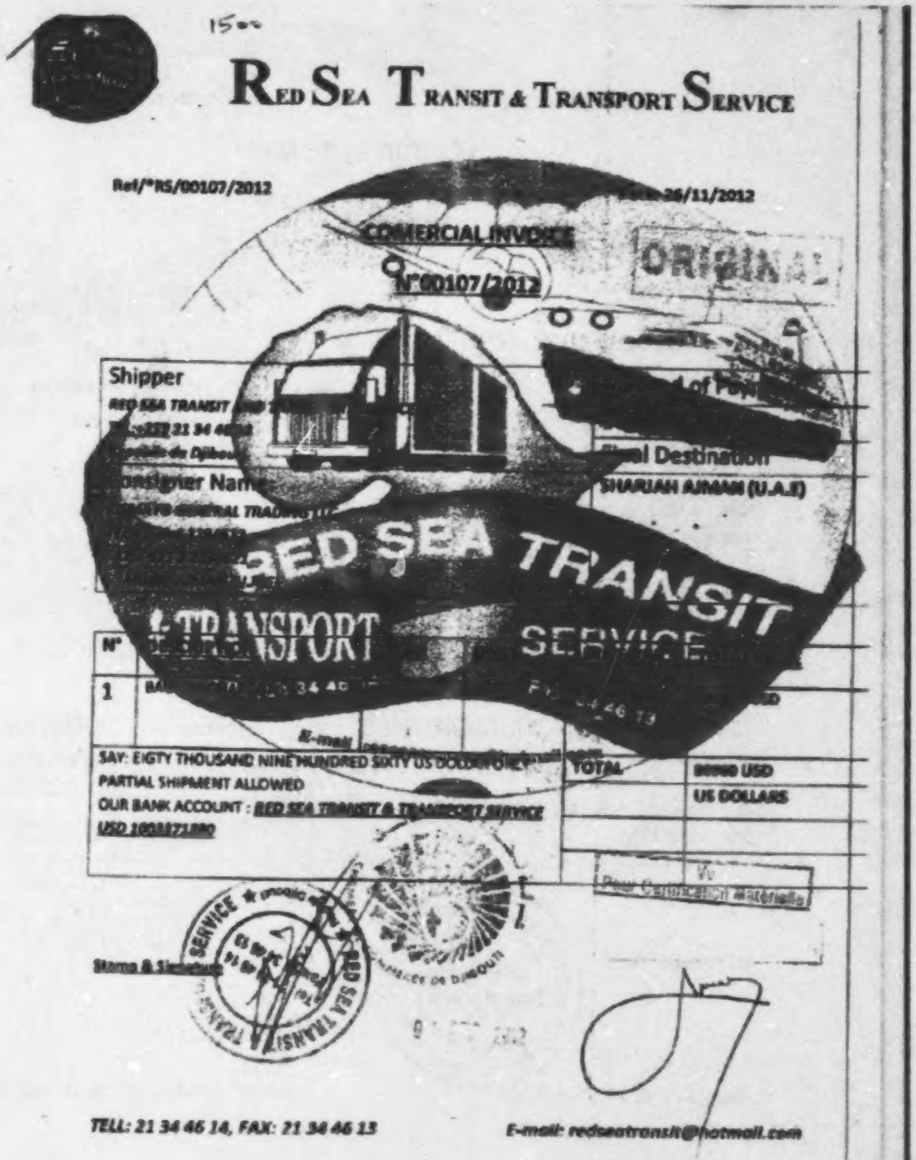
Clarion & Shewall Shipping S.A.R.L.
Avenue St. Laurent du Var
TEL: 21.35.07.68 FAX: 21.35.07.71

Avenue St., Laurent Du Var B.P : 233 Djibouti République de Djibouti Tel : 253 350768 – Fax : 253 350771 E - mail
www.clarionshipping.com

---

[85] The manifest notes the vessel as "Ashma" but uses the same registration number 2063 as is officially registered by India's sailing federations for the *Al Asma*.

Annex 9.4.k: Other commercial invoices showing collaboration between Red Sea Transit and Transport and Kismayo General Trading LLC



1500

RED SEA TRANSIT & TRANSPORT SERVICE

Ref/°RS/00107/2012

Date 26/11/2012

COMERCIAL INVOICE

N°00107/2012

ORIGINAL

Shipper

RED SEA TRANSIT AND [illegible]

Tel: 253 21 34 46 [illegible]

République de Djibouti

Consigner Name

KISMAYO GENERAL TRADING [illegible]

Final Destination

SHARJAH AJMAN (U.A.E)

N°		
1	[illegible]	[illegible]

SAY: EIGTY THOUSAND NINE HUNDRED SIXTY US DOLLAR ONLY

PARTIAL SHIPMENT ALLOWED

OUR BANK ACCOUNT : RED SEA TRANSIT & TRANSPORT SERVICE

USD 1003371380

TOTAL [illegible] USD

US DOLLARS

Vu

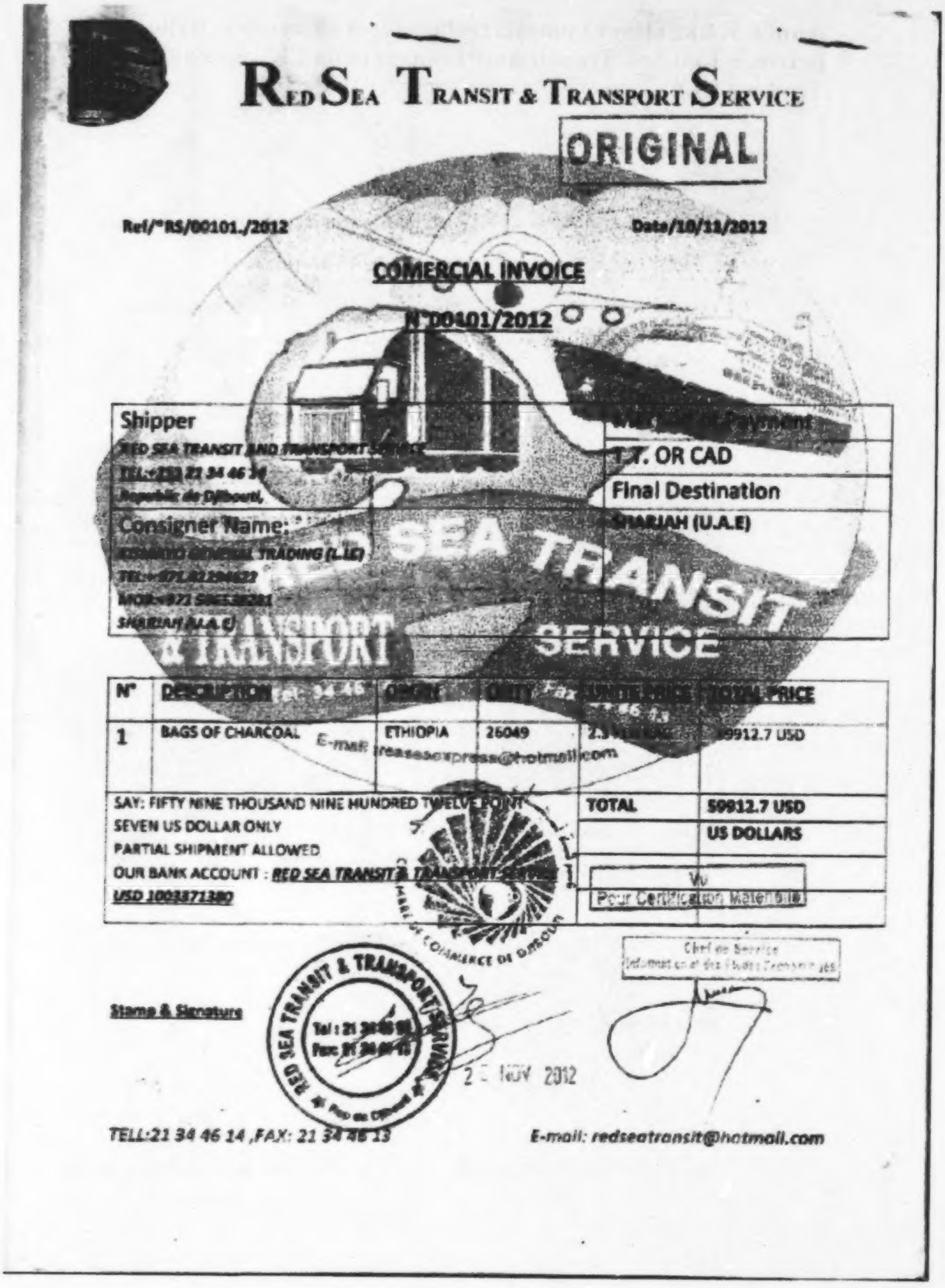
Pour Certification Matérielle

Stamp & Signature

RED SEA TRANSIT & TRANSPORT SERVICE

TELL: 21 34 46 14, FAX: 21 34 46 13

E-mail: redseatransit@hotmail.com



RED SEA TRANSIT & TRANSPORT SERVICE

ORIGINAL

Ref/°RS/00101./2012

Date/10/11/2012

COMERCIAL INVOICE

N°00101/2012

Shipper RED SEA TRANSIT AND TRANSPORT SERVICE TEL:+253 21 34 46 14 Republic de Djibouti,	[illegible] of Payment T.T. OR CAD **Final Destination** SHARJAH (U.A.E)
Consigner Name: [illegible] GENERAL TRADING (L.L.C) TEL:+971 [illegible] MOB:+971 [illegible] SHARJAH (U.A.E)	

N°	DESCRIPTION	ORIGIN	QNTY	UNITE PRICE	TOTAL PRICE
1	BAGS OF CHARCOAL	ETHIOPIA	26049	2.3 [illegible]	[illegible]9912.7 USD

SAY: FIFTY NINE THOUSAND NINE HUNDRED TWELVE POINT SEVEN US DOLLAR ONLY PARTIAL SHIPMENT ALLOWED OUR BANK ACCOUNT : RED SEA TRANSIT & TRANSPORT SERVICE USD 1003371380	TOTAL	59912.7 USD
		US DOLLARS
	Vu Pour Certification Matérielle	

Chef de Service
Information et des Études Économiques

CHAMBRE DE COMMERCE DE DJIBOUTI

Stamp & Signature

RED SEA TRANSIT & TRANSPORT SERVICE
Tel : 21 [illegible]
Fax: 21 [illegible]

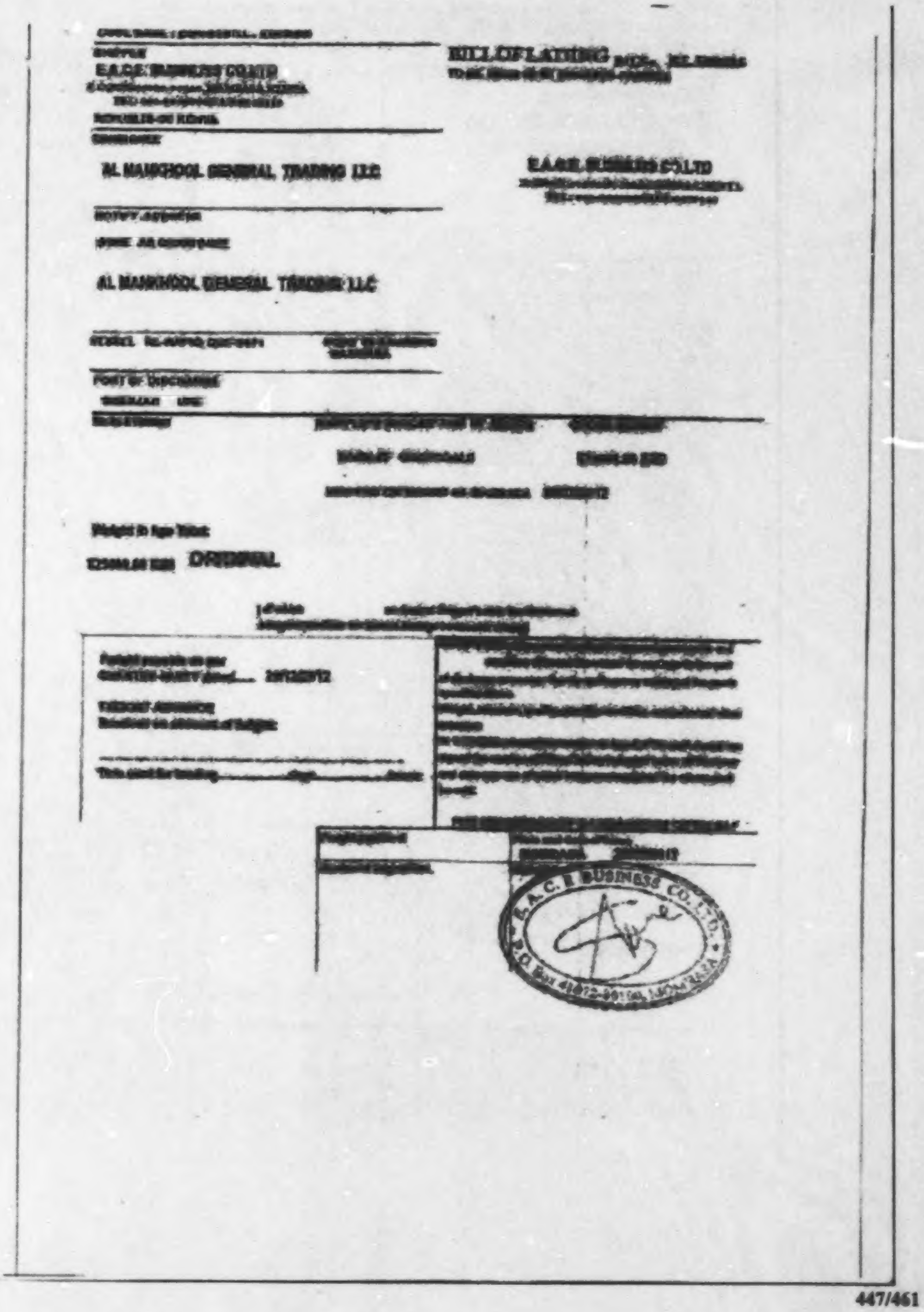
2[illegible] NOV 2012

TELL:21 34 46 14 ,FAX: 21 34 46 13

E-mail: redseatransit@hotmail.com

Annex 9.4.1: Shipping documentation related to the dhow *Al Rafiqui*

1. *Bill of lading*



SHIPPER

BILL OF LADING

REPUBLIC OF KENYA

CONSIGNEE

AL MANKHOOL GENERAL TRADING LLC

SAME AS CONSIGNEE

AL MANKHOOL GENERAL TRADING LLC

VESSEL

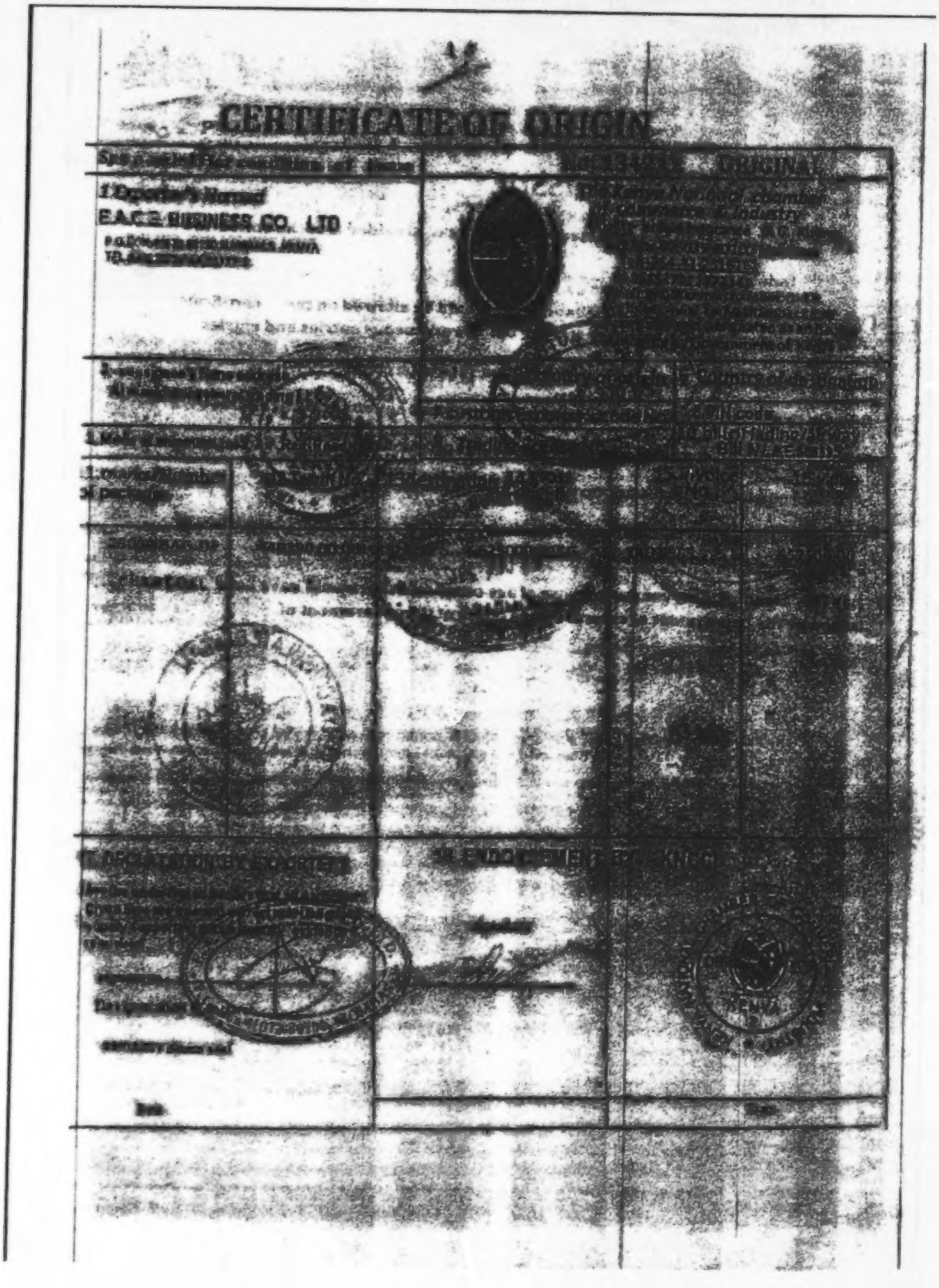
PORT OF DISCHARGE

SHARJAH UAE

Weight in kgs Total:

ORIGINAL

2. *Certificate of origin*



CERTIFICATE OF ORIGIN

ORIGINAL

1 Exporter's Name and

E.A.C.E BUSINESS CO., LTD

The Kenya National Chamber of Commerce & Industry

H.S. code

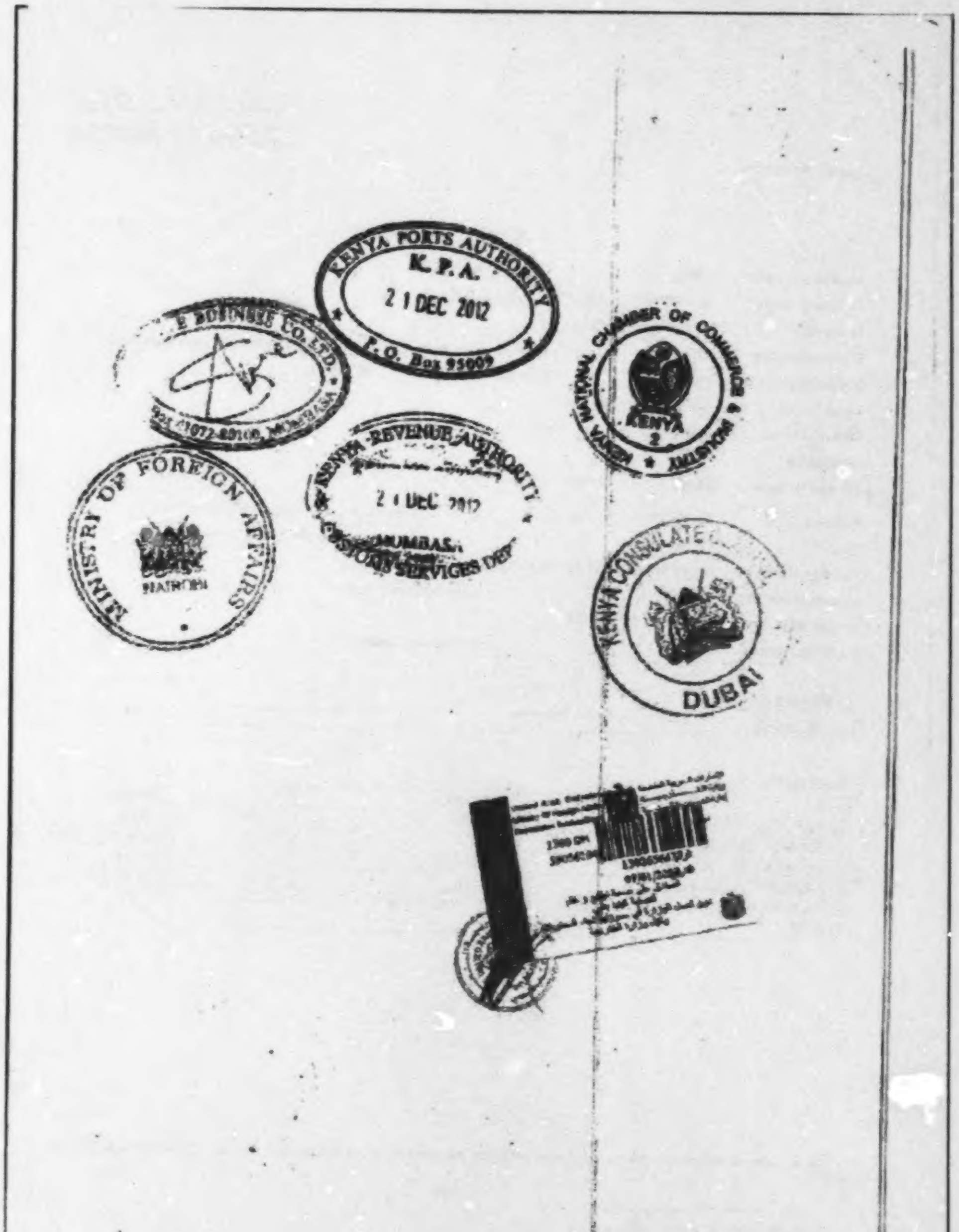
Bill of Lading/Airway Bill No.

11. DECLARATION BY EXPORTER

12. ENDORSEMENT BY

KENYA

3. *Reverse of certificate of origin*



KENYA PORTS AUTHORITY
K.P.A.
21 DEC 2012
P.O. Box 95009

E BUSINESS CO. LTD.
41072-80100, MOMBASA

MINISTRY OF FOREIGN AFFAIRS
NAIROBI

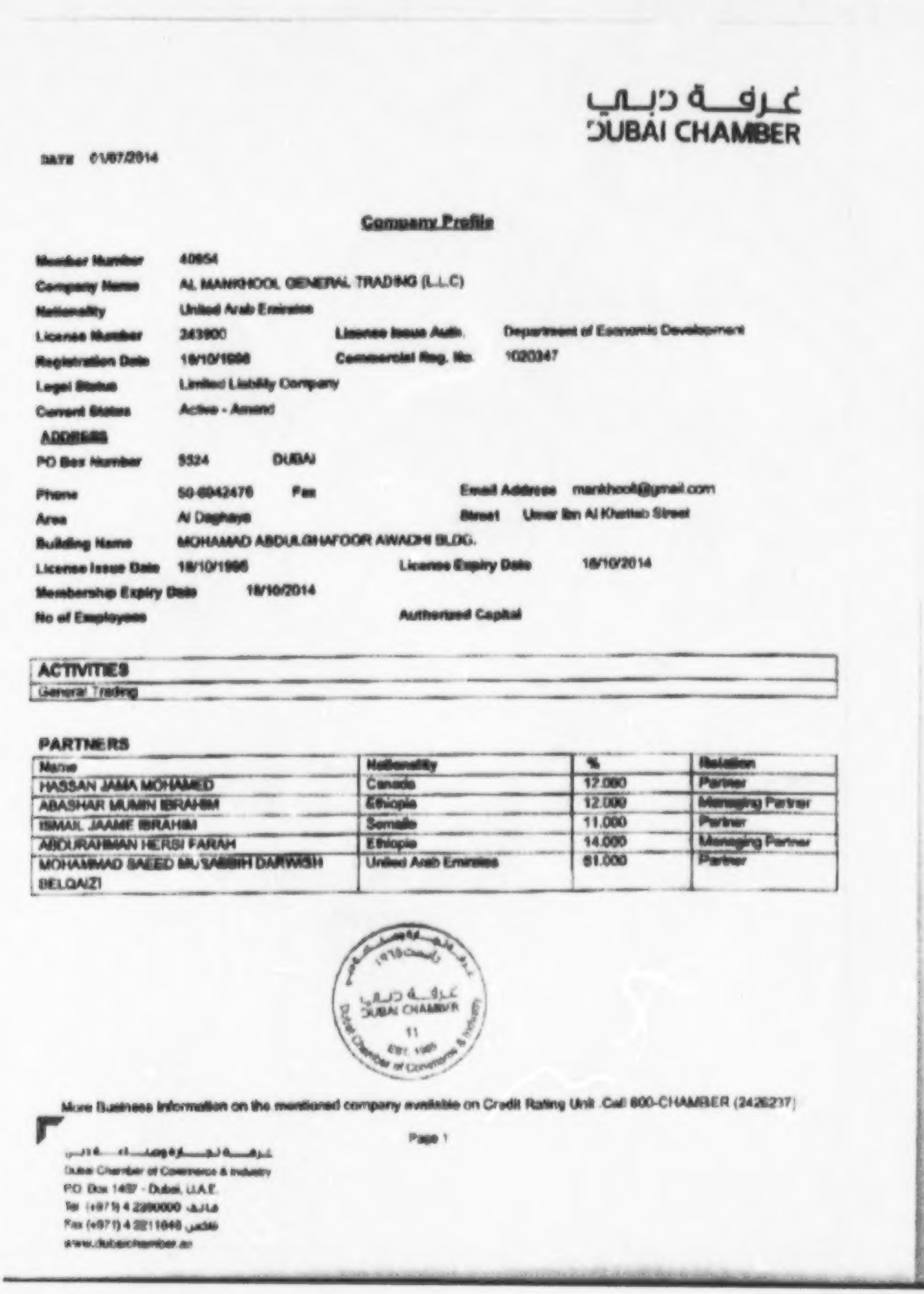
KENYA REVENUE AUTHORITY
21 DEC 2012
MOMBASA
CUSTOMS SERVICES DEP

KENYA NATIONAL CHAMBER OF COMMERCE & INDUSTRY
KENYA
2

KENYA CONSULATE
DUBAI

[redacted]

Annex 9.4.m: Shareholders of Al Mankhool General Trading LLC



غرفة دبي
DUBAI CHAMBER

DATE 01/07/2014

Company Profile

Member Number	40654		
Company Name	AL MANKHOOL GENERAL TRADING (L.L.C)		
Nationality	United Arab Emirates		
License Number	243900	**License Issue Auth.**	Department of Economic Development
Registration Date	18/10/1996	**Commercial Reg. No.**	1020347
Legal Status	Limited Liability Company		
Current Status	Active - Amend		

ADDRESS

PO Box Number	5524 DUBAI		
Phone	50-6042476 **Fax**	**Email Address**	mankhool@gmail.com
Area	Al Daghaya	**Street**	Umer Ibn Al Khattab Street
Building Name	MOHAMAD ABDULGHAFOOR AWADHI BLDG.		
License Issue Date	18/10/1996	**License Expiry Date**	18/10/2014
Membership Expiry Date	18/10/2014		
No of Employees		**Authorized Capital**	

ACTIVITIES
General Trading

PARTNERS

Name	Nationality	%	Relation
HASSAN JAMA MOHAMED	Canada	12.000	Partner
ABASHAR MUMIN IBRAHIM	Ethiopia	12.000	Managing Partner
ISMAIL JAAME IBRAHIM	Somalia	11.000	Partner
ABDURAHMAN HERSI FARAH	Ethiopia	14.000	Managing Partner
MOHAMMAD SAEED MUSABBIH DARWISH BELQAIZI	United Arab Emirates	51.000	Partner

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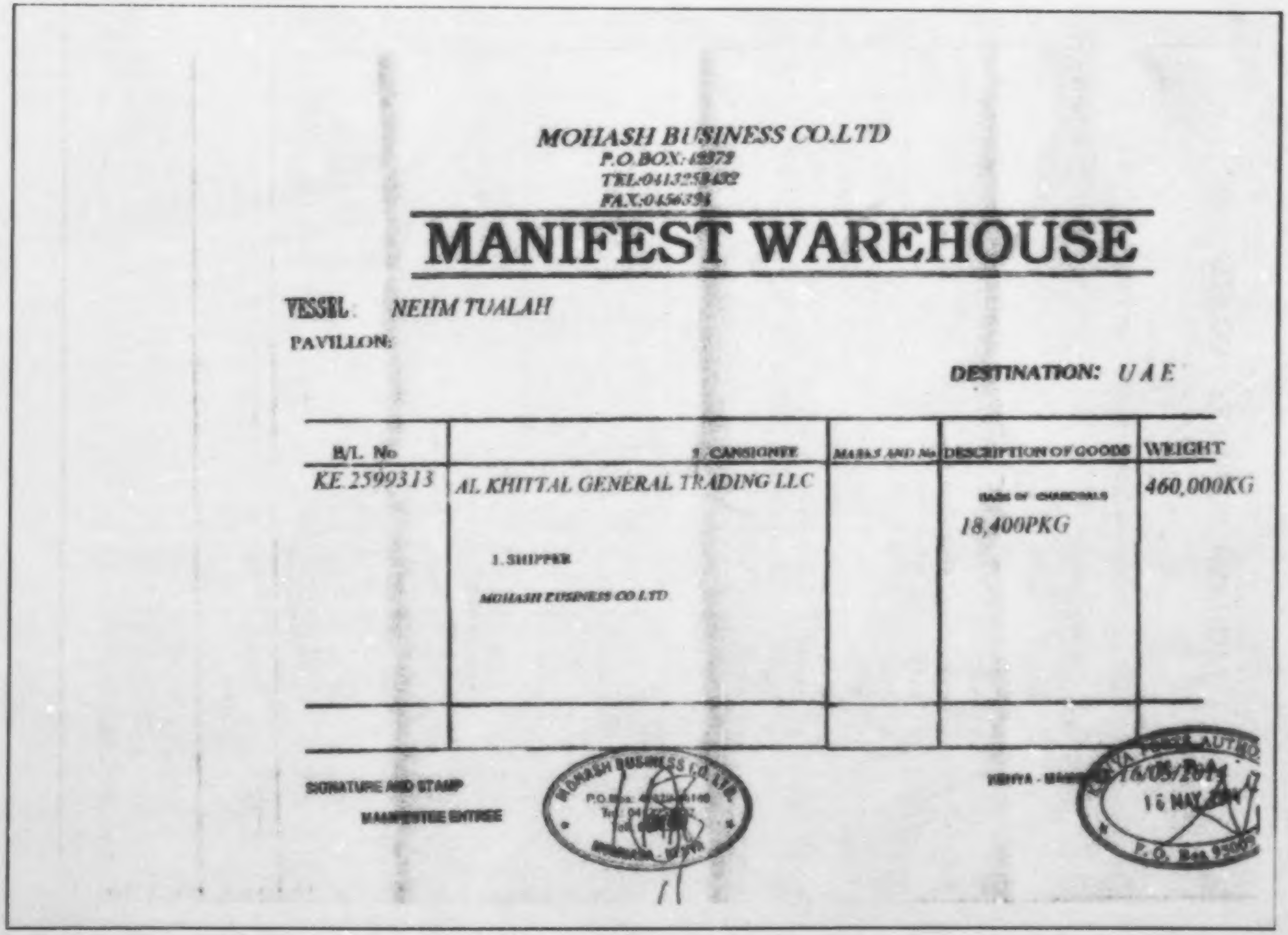
More Business Information on the mentioned company available on Credit Rating Unit .Call 800-CHAMBER (2426237)

Page 1

غرفة تجارة وصناعة دبي
Dubai Chamber of Commerce & Industry
P.O. Box 1457 - Dubai, U.A.E.
Tel (+971) 4 2280000 هاتف
Fax (+971) 4 2211646 فاكس
www.dubaichamber.ae

Annex 9.4.n: Shipping documentation related to the dhow *Nehmatullah*



MOHASH BUSINESS CO.LTD
P.O.BOX:49372
TEL:0413258432
FAX:0456394

MANIFEST WAREHOUSE

VESSEL: *NEHM TUALAH*

PAVILLON:

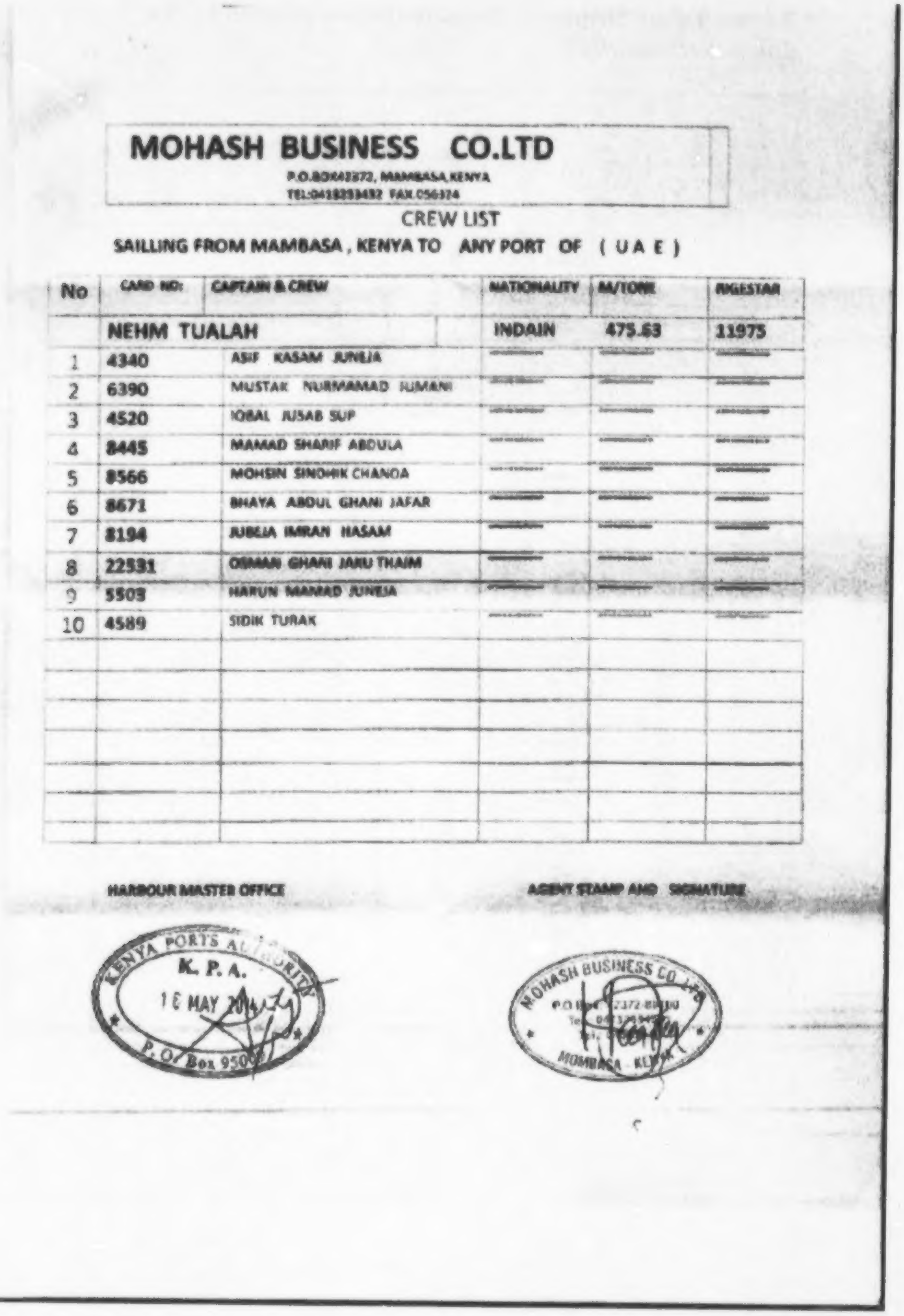
DESTINATION: *U A E*

B/L. No	2. CANSIGNEE	MARKS AND No	DESCRIPTION OF GOODS	WEIGHT
KE 2599313	*AL KHITTAL GENERAL TRADING LLC* 1. SHIPPER MOHASH BUSINESS CO LTD		BAGS OF CHARCOALS *18,400PKG*	*460,000KG*

SIGNATURE AND STAMP
MANIFESTEE ENTREE

KENYA -

16/05/2014
16 MAY 2014



MOHASH BUSINESS CO.LTD

P.O.BOX42372, MAMBASA,KENYA
TEL:0418233432 FAX:056374

CREW LIST

SAILLING FROM MAMBASA , KENYA TO ANY PORT OF (U A E)

No	CARD NO:	CAPTAIN & CREW	NATIONALITY	M/TONE	RIGESTAR
	NEHM TUALAH		INDAIN	475.63	11975
1	4340	ASIF KASAM JUNEJA	——	——	——
2	6390	MUSTAK NURMAMAD JUMANI	——	——	——
3	4520	IQBAL JUSAB SUP	——	——	——
4	8445	MAMAD SHARIF ABDULA	——	——	——
5	8566	MOHSIN SINDHIK CHANDA	——	——	——
6	8671	BHAYA ABDUL GHANI JAFAR	——	——	——
7	8194	JUBEJA IMRAN HASAM	——	——	——
8	22531	OSMAN GHANI JAKU THAIM	——	——	——
9	5503	HARUN MAMAD JUNEJA	——	——	——
10	4589	SIDIK TURAK	——	——	——

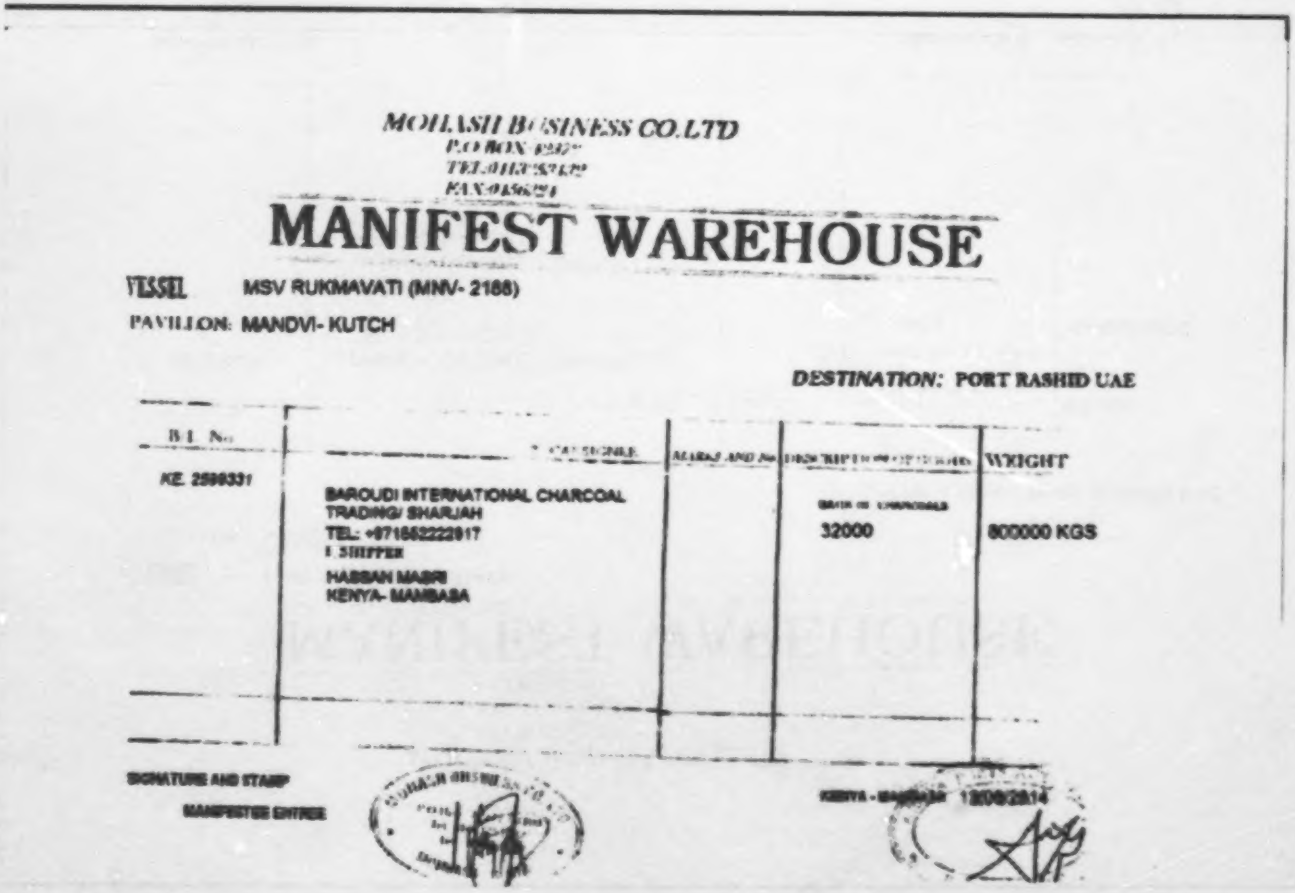
HARBOUR MASTER OFFICE

K. P. A.
16 MAY 2014

AGENT STAMP AND SIGNATURE

MOHASH BUSINESS CO. LTD
MOMBASA - KENYA

Annex 9.4.o: Bills of lading raised by Mohash Business Co Ltd on behalf of other shippers and consignees



MOHASH BUSINESS CO.LTD
P.O BOX [illegible]
TEL.[illegible]
FAX [illegible]

MANIFEST WAREHOUSE

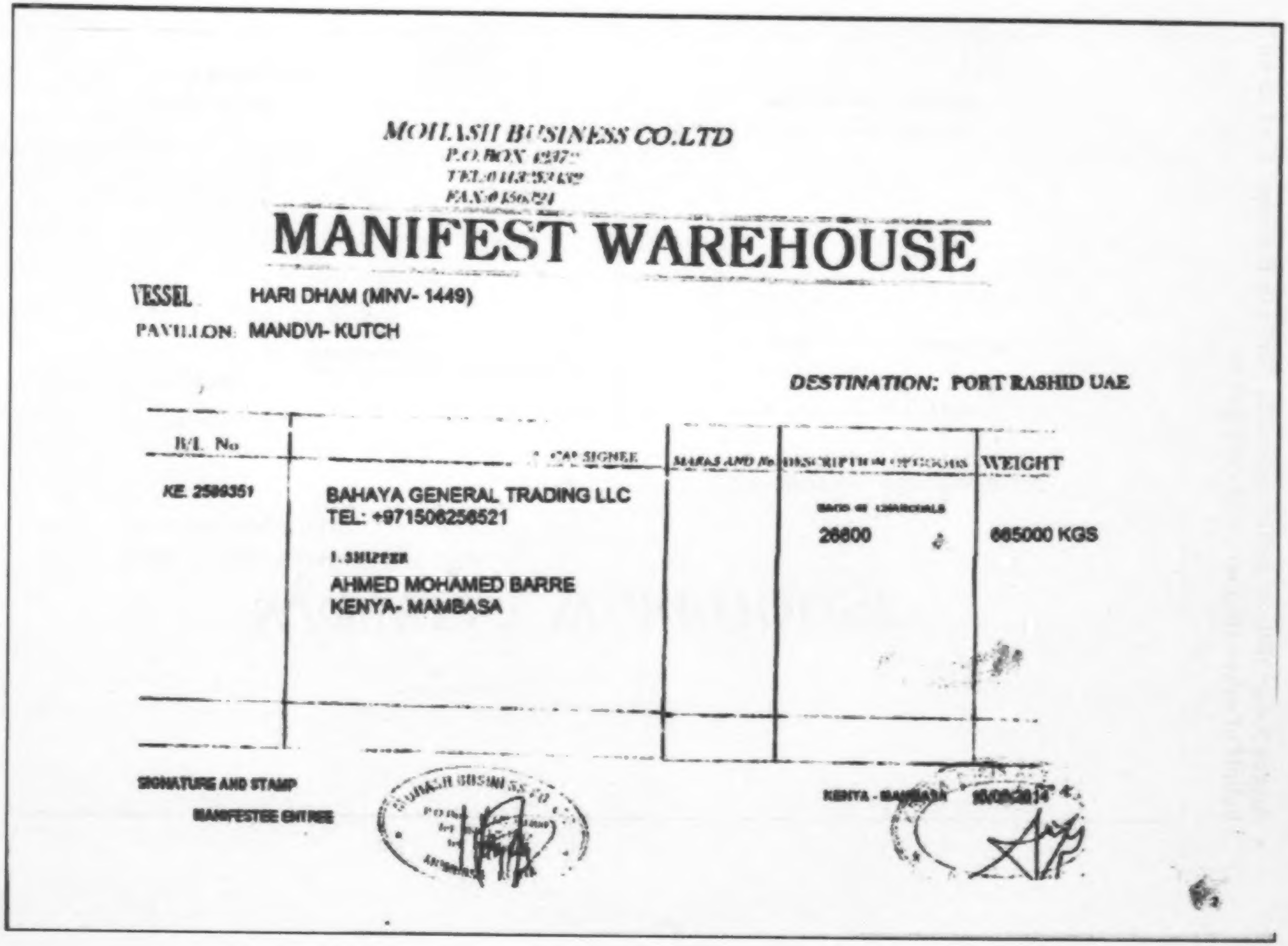
VESSEL MSV RUKMAVATI (MNV- 2188)
PAVILLON: MANDVI- KUTCH

DESTINATION: PORT RASHID UAE

B/L No	CONSIGNEE	MARKS AND No	DESCRIPTION OF GOODS	WEIGHT
KE. 2599331	BAROUDI INTERNATIONAL CHARCOAL TRADING/ SHARJAH TEL: +971652222917 I. SHIPPER HASSAN MASRI KENYA- MAMBASA		BAGS OF CHARCOALS 32000	800000 KGS

SIGNATURE AND STAMP
MANIFESTED ENTRIES

KENYA - MAMBASA 12/08/2014



MOHASH BUSINESS CO.LTD
P.O.BOX 42372
TEL:0113253432
FAX:0156821

MANIFEST WAREHOUSE

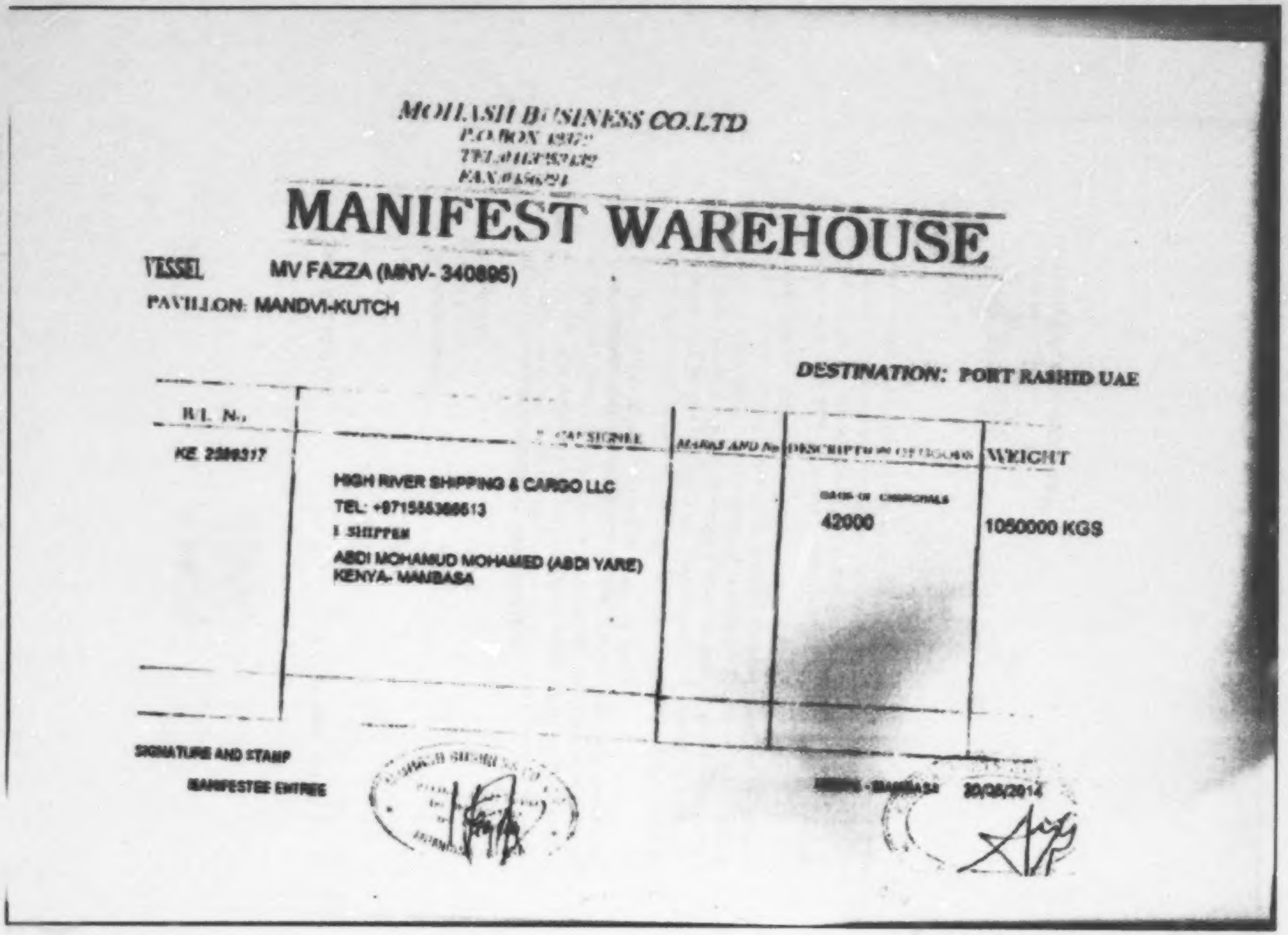
VESSEL HARI DHAM (MNV- 1449)
PAVILLON: MANDVI- KUTCH

DESTINATION: **PORT RASHID UAE**

B/L No	CONSIGNEE	MARKS AND No	DESCRIPTION OF GOODS	WEIGHT
KE. 2589351	BAHAYA GENERAL TRADING LLC TEL: +971506256521 1. SHIPPER AHMED MOHAMED BARRE KENYA- MAMBASA		BAGS OF CHARCOALS 26800	665000 KGS

SIGNATURE AND STAMP
MANIFESTEE ENTREE

KENYA - MAMBASA 10/02/2014



MOHASH BUSINESS CO.LTD
P.O.BOX [illegible]
TEL:[illegible]
FAX:[illegible]

MANIFEST WAREHOUSE

VESSEL MV FAZZA (MNV- 340895)

PAVILLON: MANDVI-KUTCH

DESTINATION: PORT RASHID UAE

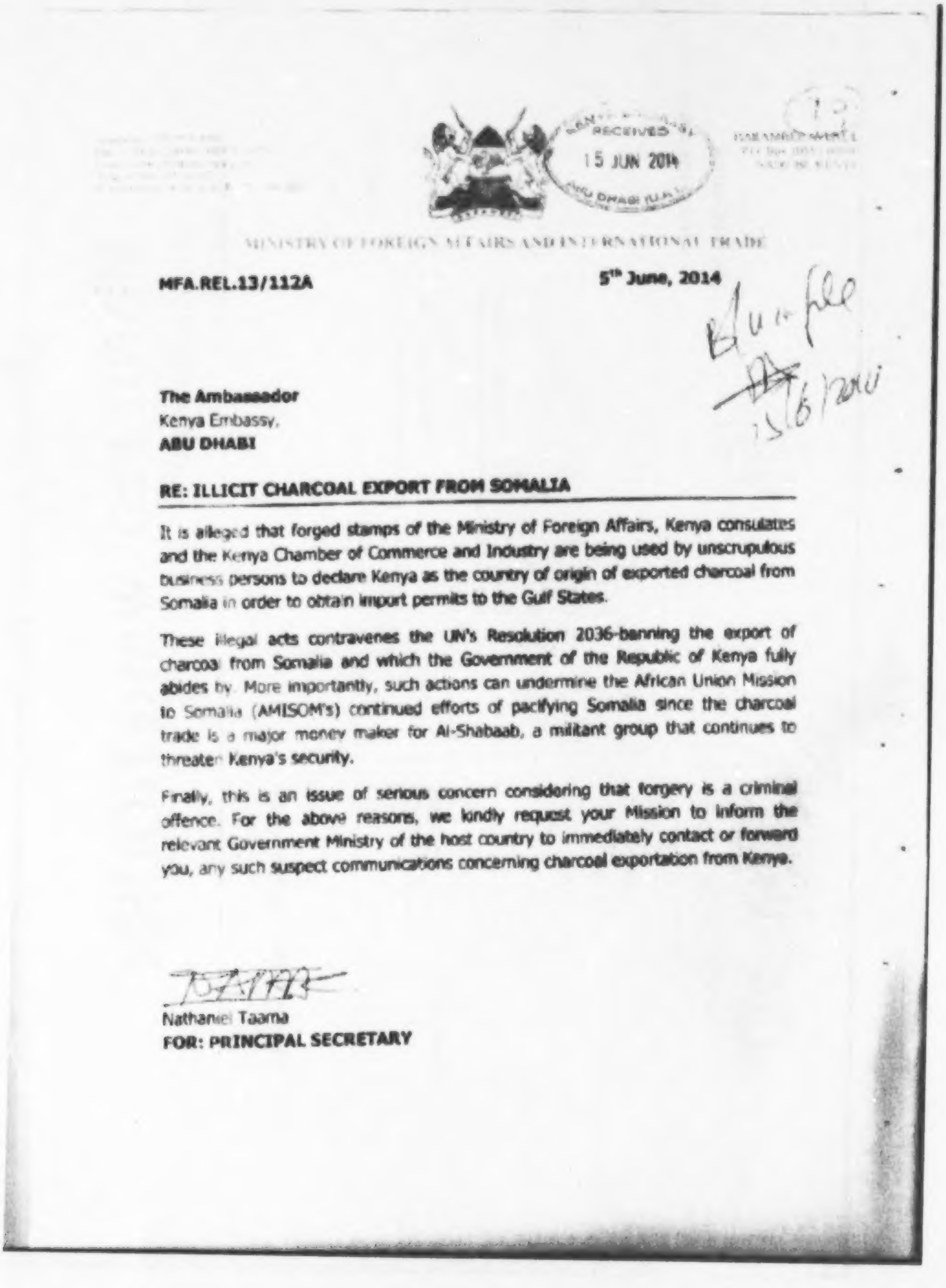
B/L N.	CONSIGNEE	MARKS AND No	DESCRIPTION OF GOODS	WEIGHT
KE 2589317	HIGH RIVER SHIPPING & CARGO LLC TEL: +971555366613 I SHIPPER ABDI MOHAMUD MOHAMED (ABDI YARE) KENYA- MAMBASA		BAGS OF CHARCOAL 42000	1050000 KGS

SIGNATURE AND STAMP

MANIFESTEE ENTREE

KENYA - MAMBASA 20/08/2014

Annex 9.4.p: Correspondence by Kenyan authorities



RECEIVED
15 JUN 2014
ABU DHABI (U.A.E.)

MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MFA.REL.13/112A **5th June, 2014**

B/u file
15/6/2014

The Ambassador
Kenya Embassy,
ABU DHABI

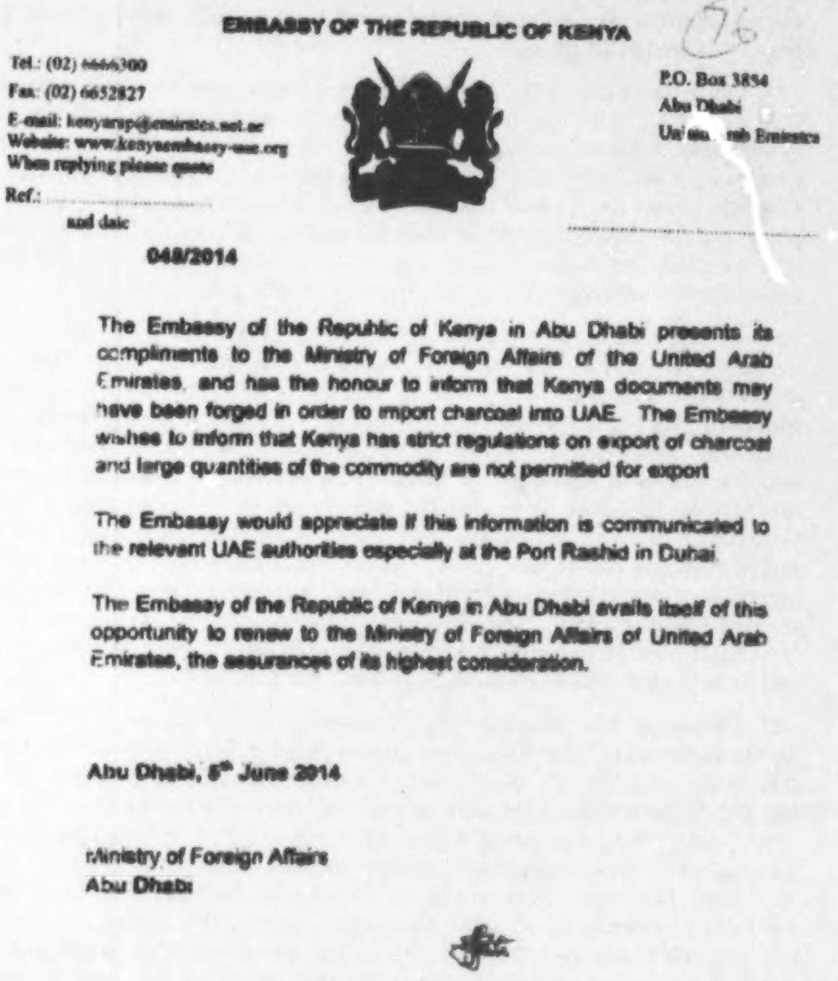
RE: ILLICIT CHARCOAL EXPORT FROM SOMALIA

It is alleged that forged stamps of the Ministry of Foreign Affairs, Kenya consulates and the Kenya Chamber of Commerce and Industry are being used by unscrupulous business persons to declare Kenya as the country of origin of exported charcoal from Somalia in order to obtain import permits to the Gulf States.

These illegal acts contravenes the UN's Resolution 2036-banning the export of charcoal from Somalia and which the Government of the Republic of Kenya fully abides by. More importantly, such actions can undermine the African Union Mission to Somalia (AMISOM's) continued efforts of pacifying Somalia since the charcoal trade is a major money maker for Al-Shabaab, a militant group that continues to threaten Kenya's security.

Finally, this is an issue of serious concern considering that forgery is a criminal offence. For the above reasons, we kindly request your Mission to inform the relevant Government Ministry of the host country to immediately contact or forward you, any such suspect communications concerning charcoal exportation from Kenya.

Nathaniel Taama
FOR: PRINCIPAL SECRETARY



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EMBASSY OF THE REPUBLIC OF KENYA

Tel.: (02) 6666300
Fax: (02) 6652827
E-mail: kenyarep@emirates.net.ae
Website: www.kenyaembassy-uae.org
When replying please quote
Ref.: ....
and date

P.O. Box 3854
Abu Dhabi
Uni[illegible]rab Emirates

048/2014

The Embassy of the Republic of Kenya in Abu Dhabi presents its compliments to the Ministry of Foreign Affairs of the United Arab Emirates, and has the honour to inform that Kenya documents may have been forged in order to import charcoal into UAE. The Embassy wishes to inform that Kenya has strict regulations on export of charcoal and large quantities of the commodity are not permitted for export

The Embassy would appreciate if this information is communicated to the relevant UAE authorities especially at the Port Rashid in Dubai.

The Embassy of the Republic of Kenya in Abu Dhabi avails itself of this opportunity to renew to the Ministry of Foreign Affairs of United Arab Emirates, the assurances of its highest consideration.

Abu Dhabi, 5th June 2014

Ministry of Foreign Affairs
Abu Dhabi

Annex 9.5: Charcoal transporters

124. At least 84 out of the 142 dhows (roughly 59 percent) that the Monitoring Group identified as having shipped charcoal from Somalia between June 2013 and May 2014 are Indian flagged.

125. On 27 December 2013, the Monitoring Group visited Mumbai, India, where it held a meeting with various owners of dhows and representatives of maritime associations in India. The meeting was hosted and chaired by Hiren Desai, the Vice President of the Federation of all India Sailing Vessels Industry Associations, an umbrella group for regional maritime associations. At the time the meeting took place, the Monitoring Group had already acquired sufficient information indicating that most of the Indian-flagged dhows were registered by regional maritime associations which were part of Mr. Desai's umbrella group.

126. During the meeting in Mr. Desai's office, the Monitoring Group informed vessel owners and association heads that the transport of charcoal from Kismayo and Barawe represented a violation of resolution 2036 (2012). As such, the Monitoring Group informed the attendees of the meeting about the risks of their continued involvement in the charcoal trade pursuant to Member States' implementation of resolution 2036 (2012). In addition, in aid of its investigations, the Monitoring Group requested the cooperation of vessel owners by providing information on the individuals who had chartered their vessels, as well as information and documentation on shippers and consignees. The vessel owners and association heads acknowledged that they had indeed been shipping charcoal regularly from Somalia. The attendees of the meeting further agreed to provide information on individuals brokering shipments aboard their vessels, as well as details of the volumes of charcoal carried and the ports of call.

127. Following this meeting, the Monitoring Group wrote to Mr. Desai on 30 December 2013 requesting dhow owners of the different associations to identify themselves and provide details and available documentation related to charter parties, shippers, consignees, ports of call, and charcoal cargo volumes. However, as time passed, the Monitoring Group received minimal information from dhow owners, while they continued to charter out their vessels for charcoal shipments from Somalia to Oman, Kuwait and the United Arab Emirates (UAE) (see annex 9.2 for further information on these shipments). During this period, the Monitoring Group made numerous telephone calls to Mr. Desai and other vessel owners who stated that they were unable to obtain documentation for the charcoal cargoes as only the charter parties kept duplicates of original documentation, which the captains of vessels submitted to customs authorities in ports of arrival. They also claimed that brokers who normally pay them for the charter of their vessels are often an intermediary and not the bona fide charter party. Some vessel owners did however cooperate by providing details of their ports of call in Somalia and cargo volumes for charcoal cargo carried. A few owners provided details of the individuals who brokered the charter of their vessels, but claimed these individuals (mostly Somali middlemen and brokers in Dubai) paid them in cash and left no trace of documentation behind. Often they only provided the first name of the broker.

128. On 18 February 2014, the Monitoring Group received a list of members from the Salaya Association of dhow owners on instruction from Mr. Desai. When compared against the Monitoring Group's database of vessels, the Group was able to

confirm that several Salaya members had transported Somali charcoal since the 27 December 2013 meeting in Mumbai, but had not informed the Monitoring Group as per their commitment to do so. On 4 March 2014, the Monitoring Group received a list of members from the Mandvi Association, which enabled the Group to confirm that dozens of vessels from this association continued to ship Somali charcoal and their owners had not informed the Monitoring Group despite agreeing to do so during the 27 December 2013 meeting.

129. On 26 May 2014, the Monitoring Group was received in Mumbai by the Government of India's Directorate of Shipping, which hosted a round table meeting with Mr. Desai, representatives of the Salaya and Mandvi associations and other dhow owners. During this meeting, the Directorate of Shipping asked Mr. Desai to transmit written requests submitted by the Monitoring Group to owners of 37 dhows and to provide feedback within 21 days of their submission. These requests formally asked vessel owners to provide the following information on shipments:

1. Confirmation of port of loading of charcoal;
2. Confirmation of port of discharge;
3. Dates of loading and discharge;
4. Volume of charcoal shipped;
5. Full details, including name, company name and contact details of the individual broker who paid for the transport of charcoal;
6. Full details of consignee, including company name and point of contact; and
7. Bill of lading, cargo manifest and all other documentation related to the shipment, including payment receipts.

130. The dhow owners and association heads were also warned by officials at the Directorate of Shipping to cease shipping charcoal from Somalia and to cooperate fully with the Monitoring Group.

131. On 18 July 2014, the Permanent Mission of India to the United Nations contacted the Monitoring Group with responses from vessel owners. Owners of 16 vessels stated that they had indeed loaded charcoal from Somalia. Owners of 14 vessels denied ever having loaded charcoal in Somalia, although at least six owners of vessels have provided false information. They are the following:

1. Hajiamad J. Agariya is the registered owner of the *Al Nazir* and has stated that his vessel has only loaded sesame seeds from Mogadishu. However, his vessel has been photographed carrying green charcoal bags, and was inspected by naval forces who observed charcoal on board, who were told by the captain that the vessel loaded cargo in Barawe, and who obtained paperwork showing the owners of the vessel as members of the Agariya family (see evidence in annex 9.2).
2. Romatbai Jusab Agariya is the registered owner of the *Uweesh Karani* and has stated that his vessel only runs from India to Mogadishu and Mombasa. However, the *Uweesh Karani* has been identified by shipping sources as having loaded in Barawe (see evidence in annex 9.2) and has used Djiboutian certificates of origin raised by a company routinely

involved in the falsification of bills of lading (see documented evidence in annex 9.4).

3. Fakirmamad Agariya is the registered owner of the *Bhumika* and has denied loading charcoal from Somalia. However, the Monitoring Group received shipping data identifying this vessel as having loaded charcoal at Kismayo port in November 2012,[86] but the bill of lading for the shipment was raised by companies in Djibouti that have routinely been involved in the falsification of documents (see evidence in annex 9.4). In addition, the Monitoring Group has received shipping data directly from Kismayo port showing the *Bhumika* as having loaded charcoal there in June 2014.[87] The Monitoring Group has also received information from shipping sources that identified the *Bhumika* as having shipped charcoal from Somalia in February 2014.[88]

4. Hajihasan Ramzan Agariya is the registered owner of the *Al Asma* and has stated that his vessel has not loaded in Somalia. However, the Monitoring Group has been reliably informed that the vessel loaded charcoal in Kismayo in March 2013.[89] Although, the manifest for this shipment, which was raised by a company that has routinely been involved in the falsification of bills of lading, notes that the charcoal cargo was exported from Djibouti. The destination of the cargo was noted as Kuwait, where several vessels have transported Somali charcoal (see documented evidence in annex 9.4).

5. Hajiumar Jusab Agariya is the registered owner of the *Al Yusuf* (MNV 2171)[90] and has stated that his vessel has not loaded charcoal in Somalia. The Monitoring Group previously documented (in S/2013/413, annex 9.2.h) the case of a dhow called *Al Yusuf* with a captain by the name of "Abdul Haji Agaria", which had loaded charcoal in Kismayo in December 2012, but presented a bill of lading organized by a company routinely involved in falsifying documentation and purporting the cargo to be sourced in Djibouti. During 2014, the Monitoring Group received information from port sources in Kismayo that the *Al Yusuf* (MNV 2171) was present in Kismayo in February, March and April 2014.[91]

6. Shree Kutch Marine Shipping is the registered owner of the Yasin and has stated that its vessel has not loaded charcoal from Somalia. However, shipping data received from Kismayo port places the Yasin in Kismayo loading charcoal in February 2014.[92] Separate independent sources confirm its delivery of charcoal to the UAE in March 2013.[93]

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[86] Shipping data provided by confidential sources at Kismayo port.

[87] Shipping data provided by confidential sources at Kismayo port.

[88] Information provided by three separate charcoal traders and shipping sources in the UAE, March 2014.

[89] Information provided by a Somali broker on 31 March 2014, and corroborated by two independent shipping industry sources in Dubai, UAE, on 1 April 2014.

[90] Another vessel called "*Al Yusuf*" exists but with a different registration number (MNV 650). "MNV" is the prefix for vessels that are registered with the Mandvi Association.

[91] Information provided by confidential sources at Kismayo port.

[92] Shipping data provided by confidential sources at Kismayo port.

[93] Three separate sources, a charcoal dealer, transporter and shipping source in the UAE provided this information in March 2014.

132. In addition, the Monitoring Group did not receive any response from the following two vessel owners:

1. Jusab Umar Agariya is the registered owner of the *Al Zuber*, which shipping sources have stated shipped charcoal from Kismayo in January or February 2014.[94]

2. Siddik Suleiman Chauhan is the registered owner of the *Al Yasin-1*. Shipping sources have informed the Monitoring Group that this vessel shipped charcoal from Kismayo in March 2014.[95]

133. Separately, the Monitoring Group contacted one UAE-based company, Naseem Al Barari General Trading, which was mentioned in annex 9.2 as transporting charcoal cargoes from Somalia. This company has also refused to cooperate with the investigations of the Monitoring Group.

134. The Monitoring Group sent an email to the Permanent Mission of India to the United Nations on 31 July 2014 thanking the Indian authorities for their cooperation, but also reminding the Indian Government of its obligation to implement resolution 2036 and to notify all transporters that they should cease shipping charcoal. Many transporters have claimed that they have shipped charcoal under duress, and if so, the Monitoring Group has advised the Indian authorities to inform the transporters not to send vessels to Somalia if they expect to be forced to load up charcoal on their return journey. The Monitoring Group has recognized that some of the transporters who have frequently transported charcoal have cooperated with Monitoring Group investigations, and as such, they remain unnamed. However two operators and one family of operators, notably the Agariya family, appears to have disregarded all attempts by Monitoring Group and the Indian authorities to seek their cooperation while knowingly and continually violating resolution 2036.

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[94] Information received in March 2014, from transporter, charcoal dealer and shipping source in UAE.

[95] Information received in March 2014, from transporter, charcoal dealer and shipping source in UAE.